



DEPARTMENT OF EDUCATION

CANADIAN DEMOCRACY IN ACTION

by

GEORGE W. BROWN

Department of History, University of Toronto

THIS PAMPHLET IS TO
REMAIN THE PROPERTY
OF THE SCHOOL LIBRARY

Issued by authority of
THE MINISTER OF EDUCATION





DEPARTMENT OF EDUCATION

CANADIAN DEMOCRACY IN ACTION

by

GEORGE W. BROWN

Department of History, University of Toronto

Issued by authority of

THE MINISTER OF EDUCATION

All rights reserved
Copyright, 1945
by
J. M. DENT & SONS (Canada) Limited

First Printing, March, 1945
Second Printing, September, 1945



Printed in Canada



"A people may prefer a free government but if, from indolence, or carelessness, or cowardice, or want of public spirit, they are unequal to the exertions necessary for preserving it . . . they are unlikely long to enjoy it."—JOHN STUART MILL

The greatest danger which faces democratic government in the modern world is that the peoples of the democracies themselves may not understand their own institutions. This has always been true, but today the problems of government are not only national, provincial, and municipal; they are international. As the range of democratic government widens, the need for an understanding of its aims and principles becomes more pressing. It is with the hope of making some contribution to this understanding in Canada that this book has been written.

ACKNOWLEDGEMENTS

The author is greatly indebted to a number of friends and colleagues who have read the manuscript of this book in whole or in part, and have given generous assistance in other ways. Their contributions have been most helpful. He has also received help from a number of printed sources, and in particular from the following series of pamphlets: *Behind the Headlines* published by the Canadian Institute of International Affairs and the Canadian Association for Adult Education; *The Democratic Way* published by the Canadian Association for Adult Education and the Canadian Council for Education on Citizenship; *Canadian Affairs* published by the Wartime Information Board; and *The British Way and Purpose* prepared by the Directors of Army Education for the British Army. Professor H. McD. Clokie's *Canadian Government and Politics* (Longmans Green and Company, Toronto, 1944), has also been very useful as a book of reference. In addition to the acknowledgements under the individual illustrations, the following are made here: *Saturday Evening Post* for the paintings illustrating the Four Freedoms; Professor Homer Thompson, University of Toronto, for the picture and plan of the Pnyx, page 40; *Hesperia*, 1939, page 278 for the water clock, and the *American Journal of Archaeology*, page 391, for the ostrakon, both of which are also on page 40.

CONTENTS

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Chapter I. DEMOCRACY AND FREEDOM | 1 |
| What Are Democracy and Freedom?—Can Democracy and Freedom Be Preserved in the Modern World? | |
| Chapter II. THE DEMOCRATIC CITIZEN AND HIS GOVERNMENT .. | 6 |
| Our Civil Liberties—The Guarantee of Our Civil Liberties—The Four Freedoms—Education in a Democracy—The Community, the Citizen, and the Government. | |
| Chapter III. PARLIAMENTARY GOVERNMENT AND HOW IT WORKS | 22 |
| Parliament and the Three Powers of Government—Parliament and Its Legislative Powers—A Parliamentary Session—Political Parties in Parliament—How an Act Is Passed—The Rules of Debate—Parliament and the Executive Power—The Position of the King in the Parliamentary System—The Departments of Government—The Civil Service. | |
| Chapter IV. THE PEOPLE AND THEIR REPRESENTATIVES | 39 |
| The Principle of Representation—How Are Representatives Chosen?—Political Parties and Elections—Public Opinion: What Is It and What Does It Do?—What Should We Expect of Our Representatives?—What Should Our Representatives Expect of Us? | |
| Chapter V. CANADA'S FEDERAL AND PARLIAMENTARY SYSTEM | 52 |
| Geographical Reasons for Canadian Federalism—Historical Reasons for Canadian Federalism—Steps in the Development of Canada's Federal and Parliamentary System—Canada's Written and Unwritten Constitution—The British North America Act and the Canadian Parliament—The British North America Act and the Relation between the Dominion and the Provinces—The Amendment and Interpretation of the British North America Act—Results of the Interpretation of the British North America Act. | |
| Chapter VI. THE RULE OF LAW | 69 |
| The Rights of the Individual before the Law—Criminal and Civil Cases—The Independence and Dignity of the Courts—The Rule of Law in a Democracy—The Canadian System of Laws and Courts—How Can Respect for Law Be Encouraged? | |
| Chapter VII. LOCAL GOVERNMENT | 84 |
| The Responsibilities of Municipal Governments—The Modern Development of Municipal Government—The Provinces and the Municipalities—The Government of the Local Rural Municipalities—The Government of Local Urban Municipalities—The Control of the Local Schools—Who Can Vote in Municipal Elections?—The Importance of Municipal Government. | |

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Chapter VIII. PAYING OUR WAY | 94 |
| Some Important Changes in Canadian Government Finances since Confederation—The Financial Relations of the Dominion and Provinces—Our Taxes and Our Standards of Living. | |
| Chapter IX. CANADIANS AS BRITISH AND WORLD CITIZENS | 105 |
| Canada's New Position—Canada and the British Commonwealth—The Ties Which Hold the Commonwealth Together—Canada's Relations with the United States—Canada and World Organization. | |
| QUESTIONS | 120 |
| INDEX | 121 |

Chapter I

Democracy and Freedom

AS THIS book is being written, Germany's defences are crumbling. For the second time in a generation she is going down to bitter and decisive defeat. This war, Hitler promised the German people, would give them world conquest. Germany, he boasted, under the Nazi system was unconquerable—the dictatorships could stand any strain placed upon them, however great. "The democracies are done for . . . They are like sand, like shifting sand. Our state political ideal is rock-granite peaks." Such were the ideas which Hitler and Mussolini dinned into the ears of the German and Italian peoples in the years before 1939. The democracies, they declared, belong to the past, they are outworn, their people have lost their spirit, they are weak and decadent. The dictatorships belong to the future. They put their people to work. They are strong, young, and determined; and just because they give total power to a single leader, the Führer or Duce, who can plan and act, they are superior to any form of government yet devised.

In the face of these boasts and threats the democracies were by no means sure of themselves. They too were facing in the 1930's a world depression with rampant unemployment and discontent, and problems which seemed impossible of solution. In place of action there was too often merely discussion, argument, and endless debate. People got tired of talk, they began to lose faith in parliaments, parties, and elections, and to doubt whether democratic institutions would work in the twentieth-century world.

Then in 1939 came the beginning of the Second World War, and it seemed within a few months as if the boasts of the dictators were justified. The German blitzkrieg swept over Poland, then

over Denmark and Norway, and finally in the spring of 1940, to the consternation of the democratic world, Holland, Belgium, and France were engulfed within a few weeks. Only Britain with the members of the British Commonwealth still stood, and Hitler's prophecies of victory seemed almost certain of fulfilment. From that point, however, the tide began slowly to turn. Hitler, recognizing that it was world conquest or nothing, attacked Russia, and then plotted with Japan the attack on the United States. In both cases he misjudged his opponents as seriously as he had misjudged the British Commonwealth.

These facts, proving that the democracies are far from done for, are among the most remarkable in modern history. They have caused people to think, and in particular they have caused the people of the democracies to ask themselves not only what are democracy's weaknesses and defects, but what are its sources of strength, and how it can best be made to serve the needs of the twentieth-century world.

What Are Democracy and Freedom? Democracy has many definitions—rule by the people, majority rule, free government, and so forth; but none of them is perfectly satisfactory. Certainly democracy is not merely majority rule. Hitler boasted that he had a majority of the German people behind him, and probably he did. But such a majority rule is a perversion of democracy. In a true democracy the majority must not use its power as a steam roller riding ruthlessly over the interests and feelings of the minority; while, at the same time, the minority has an equal obligation to respect and co-operate with the majority. Whatever democracy is, it is not government by brute force but by persuasion. It is a sense of fair play, of justice and sportsmanship in the highest sense of that term.

Freedom is linked so closely with democracy that we cannot have one without the other. But what is freedom? There is certainly no freedom where the sign "Verboten" springs up everywhere as it did in Germany. "The Nazi Party," said Hitler, "will begin to organize you at the age of three, and it will not let you go until you are in your grave." But, at the other extreme, if there

were no rules, we would have chaos and not freedom. If we had no traffic rules on our busiest streets, for example, and people drove and walked wildly about in any way they pleased, no one could get anywhere without fighting his way through a mob. An-



(International News Photo)

THE KING AND QUEEN IN THE CANADIAN CAPITAL,
MAY 21, 1939

The royal tour across Canada in 1939, with many crowded scenes like this in Ottawa, seemed to symbolize the spirit of democracy at the very moment when Europe was being swept by the dictators toward war.

archy is not freedom, it is the exact opposite. To have freedom we must have laws, but not laws which bind us into a strait jacket, only the laws that are necessary to citizens in a free society.

Can Democracy and Freedom Be Preserved in the Modern World? The people of the dictatorships are not the only ones who have doubted it. The world is changing with breathless speed. With its aeroplanes, radio, vast industries, and enormous cities, it is becoming a machine in which people seem to be driven around

like helpless cogs whether they like it or not. This is the greatest danger that democracy faces. In such a world many people want to be told what to do, which is precisely what happened in Germany. Hitler said that the German people were incapable of self-government, but he declared that they were a master race who could enslave others by enslaving themselves. They took him at his word, and were swept off their feet by a spirit of mob psychology in which they made blind obedience a virtue. Moreover, he was able to use all the resources of modern science. Through the radio his voice reached millions. With tanks and aeroplanes he was able to overwhelm masses of unarmed opponents. Modern science gave the dictators the most powerful instruments ever put into the hands of evil men.

But if modern science puts instruments into the hands of the dictators, it puts them also into the hands of the democracies. These instruments can be used for the preservation and advancement of democracy no less than for its destruction. Neither do we need to be overwhelmed by the fear that the world is becoming too complicated and machine-like for democracy. There is no proof whatever that people are incapable of controlling the things which they create. For centuries men have been creating things which they have had the choice of using wisely or unwisely.

The truth is that the democracies are facing a very old problem in its twentieth-century form, and the question as to how science and machines are to be used depends, as it always has, not on the machines but on the people who use them. The qualities which democracy needs are not new, they are old and well-tried. Democracy must have people who understand and believe in its principles and are determined to preserve them, for it will not last by itself or by wishful thinking. Democracy must have people who are determined to work together, who have convictions of their own but who are willing to respect and co-operate with those with whom they disagree. Democracy must have educated and thinking people, people who believe not merely in preserving their rights but in shouldering their share of responsibilities, people of self-discipline and community spirit.

The strength of dictatorships is in their brute force and in their power of speedy action, but democracies also can learn to act with decision, and democracies have sources of strength on which dictatorships can never draw. No government which rests on force and ruthlessly crushes its opponents can permanently survive. This has been the record of dictatorships from earliest times. They become brittle and can only be changed by violent revolution. Democracies have in them the means of ensuring their own improvement just because they do permit differences of opinion. And this is their strength—not the authority which springs from the will of a dictator, but the spirit of free people who realize that, even though they cannot reach the ideal of a perfect democracy, they can only really fail if they cease striving to achieve it.

Chapter II

The Democratic Citizen and His Government

MR. X, a Canadian citizen, was sitting at breakfast reading his morning paper. "You know," he said, "I think the government is wrong about that. What they did last year was all right, but I don't like this new proposal at all. I'm going to write to our M.P. about it, and I'm sure a good many other people will do the same."

"You ought to raise this question at your women's organization," he went on, looking at Mrs. X. "The government should know what the women are thinking about it."

"I say, father," said Jimmy, who wasn't thinking of politics, "What about my joining that new club for boys that is being formed?"

"Well," said his father, "you ought to do what you think best. If you prefer to remain in the one at the church, you should. There is no compulsion in these matters. By the way," he went on, "don't you think we could get some different radio programmes? Have you had any luck with the short wave lately?" "I got a Mexican station the last time I tried," said Jimmy, "and I even got Berlin one night, but all I heard was a German band. I wonder what the Berlin radio is telling the German people now."

Mr. X got up to put on his coat. "I believe," he said, thinking of his newspaper again, "I'll write a letter to the newspaper as well as to our member. The more public discussion there is about that matter the better."

"Well," thought Mrs. X, as father disappeared around the corner and as the children dashed out to school, "I wonder if that kind of conversation could have taken place at a breakfast table in

Hitler's Germany." She knew perfectly well that the answer was "No," though no one else in the family had thought of it at the moment.

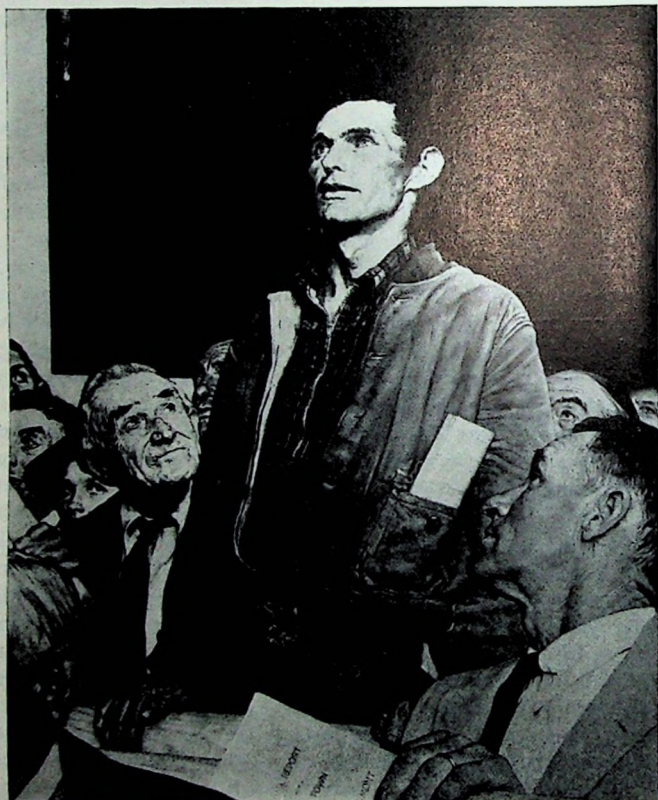
The fact was that Mr. X's family were enjoying a freedom which would be impossible in a totalitarian country. A conversation like theirs would have been a crime. It would have made them liable to several charges of the most serious kind, even treason punishable by death.

It is hard for us to understand exactly what this means because we are so accustomed to living in a democratic country that we take for granted things in our daily lives that would be completely different if we lived in a dictatorship. Every time we say what we like or dislike, every time we choose a book to read, every time we go to church, or turn the dial to a foreign radio station, or write a letter to a newspaper, we are doing something that might get us into serious trouble in a totalitarian state. We should certainly be resentful and angry if we were ordered to go to political meetings and were guilty of a crime in refusing to attend, if children were instructed to spy on their parents, if our letters were opened without our permission unless for necessities of war censorship, if our telephone conversations were listened to secretly, if we were forbidden to make friends with certain people. Yet all these things have been part of every-day life in totalitarian countries, and the only reason they do not happen in democratic countries is because the people do not want them to happen and have the power to prevent them.

There is no difference between the democracies and the totalitarian countries so great, or so important, as the relation of the citizen to his government. In the democracies we believe that the state exists for the citizens, not, as Hitler told the German people, the citizens for the state. This is true of citizens old and young, of those in school as well as their parents. At the very basis of our democratic government, therefore, are certain rights and liberties, "civil liberties" they are often called, which we shall enjoy so long as we value them enough to preserve them. Each has a long and fascinating history, sometimes stretching back for centuries, and hundreds of men and women, many of them famous, played a part in winning them. We can do no more than suggest them here.

Our Civil Liberties

Freedom of Speech and of the Press. Three hundred years ago in November, 1644, John Milton, the great English Puritan poet,



(from the painting by Norman Rockwell)

FREEDOM OF SPEECH

The artist has here strikingly symbolized the right of citizens in a democracy to meet together and speak freely.

published in his pamphlet *Areopagitica* the noblest defence of freedom of speech and freedom of the press in the English language. Of all liberties, Milton wrote, "give me the liberty to know, to utter, and to argue freely according to conscience." The right for which Milton argued was not fully recognized in his lifetime. but in 1695 the British Parliament took the important step of refusing to renew the "Licensing Act" which had kept all printing and publishing under government control. There were many later disputes and incidents, but after 1695 the general principle was recognized in England that people should have freedom to speak and write what they pleased, and from England that principle has spread to other countries, including Canada.

Those who write and speak have one restriction,—they may be prosecuted or sued in the courts if their words are thought to be libellous, slanderous, seditious, or blasphemous. Exactly what a court or jury will decide to be libel, slander, sedition, or blasphemy, is not easy to say, but the ordinary meanings of these words as found in a dictionary are clear enough. One of the most striking symbols and illustrations of free speech is the famous Hyde Park in London, England, where dozens of speakers come to air their views on almost everything under the sun. There one may see speakers engaged in terrific verbal duels trying to shout each other down, or a London "Bobby" listening with others to a violent denunciation of government, with which he would interfere only if a fight or riot were started.

Freedom of speech and of the press in wartime is a special problem. Obviously things must not be said or written which will aid the enemy, and democratic countries establish a government censorship in war which is removed with the return of peace. But even in war this censorship is very different from that in dictatorships. Democratic governments send out instructions to publishers, but they also send out suggestions and requests, and they rely even more on the judgment, good sense, and co-operation of writers and publishers than they do on orders. In other words, in a democratic country the government should, and must, if we are to preserve democracy, rely on the self-discipline and intelligence of the citizens.

Freedom of Assembly. The right of citizens to hold public meetings dates back as far as Henry VII's reign at the end of the fifteenth century, although it was often in question after that time. An unlawful assembly is one where people meet with intent to commit a crime or a breach of the peace, and meetings for the purpose of practising military movements are forbidden unless under the authority of government. This is to prevent the kind of thing that happened in Germany, where Hitler's Nazi party created a private army with uniforms and weapons, the Black Shirts, through which it terrified its opponents and rose to power. Free discussion must, however, be encouraged in a democracy and any interference with public meetings for that purpose can be justified only by the most serious reasons.

Freedom for the artist and the musician must also be coupled with freedom of speech. In the dictatorships art and music were brought under the government's control and used as instruments of propaganda.

The Right of Petition. This right of citizens to sign petitions protesting against grievances goes back even further than the right of assembly. It was recognized as early as Magna Carta in 1215, but was not fully accepted until the famous case of the Seven Bishops at the time of the Revolution of 1688. They were imprisoned and tried for sedition because they had sent a protest to James II but were acquitted, and in the Bill of Rights of 1689 it was stated that "it is the right of subjects to petition the king," and all imprisonments and prosecutions for such petitioning are illegal. The right of petition is, perhaps, not so important as it was before the system of parliamentary government was fully developed, but it still should be numbered among our civil liberties.

Freedom of Worship. The right of citizens to worship "each according to the dictates of his own conscience" was a right so commonly accepted by the twentieth century, at least in theory, in countries which made any claims of advancement, that most people thought it would never be denied. Recent years, however, have brought a startling change. In Germany Hitler destroyed freedom of worship by every means at his command—by persecution, the concentration camp, and even death itself. Once more

freedom of worship, so dearly won in the past, has become one of the most important freedoms in the modern world.

The history of religious liberty stretches back over centuries in many lands. There has been no other freedom for which men were more willing to hazard their lives. In countries which denied



(from the painting by Norman Rockwell)

FREEDOM OF WORSHIP

freedom of worship, it was always argued that uniformity in religion was necessary to the safety of the state. In England freedom of worship was not accepted until the Toleration Act of 1689. In Canada it is interesting to note that at the end of the Seven Years' War, with the conquest of New France, the inhabitants were promised "the free exercise" of their religion with the right "to assemble in the churches, and to frequent the sacraments as heretofore, without being molested in any manner, directly or indirectly."

Religious liberty means, however, not only freedom of worship. It means the right not to be debarred from holding public offices and from other privileges of citizenship on religious grounds. This right was slower in coming than the right of freedom of worship. It was not fully recognized in England until the nineteenth century, and it was denied in certain matters in the early history of Upper Canada, before the principle of the separation of church and state was fully accepted.

Equality before the Law. One of the chief civil liberties is the right of everyone who is sued or accused of crime to have a fair trial, to have the charge stated if he is imprisoned, and not to be kept in prison without trial for an unreasonable length of time. To try to ensure a fair trial there is a very old rule in British law that an accused person has the right to be tried by his peers, *i.e.* by his equals. This was stated in Magna Carta, though at that time it applied to nobles rather than the common people. A jury trial is the method by which a person is tried by his peers. The jury system, as we know it, was developed in English law and not in that of other countries, and the origins of the jury go back over a thousand years into early Anglo-Saxon history. Its growth took centuries, but even before the English colonies were established in America three hundred years ago, it was a well-recognized system. Thus it spread throughout the English-speaking world. While the jury system alone does not make certain a fair trial, it is undoubtedly one of the chief means of doing so.

The right of Habeas Corpus is the means of protecting the individual against being kept in prison an unreasonable time without trial. If a person is so kept, his lawyer or anyone else can get a writ of Habeas Corpus, that is an order from a court or judge,

requiring that whoever has the prisoner in custody shall "have the body" before the court within a specified time or release him.

Habeas Corpus also developed in England and has a very long history. Unlawful imprisonment was condemned in Magna Carta but the means of preventing it were very slow in developing. Finally, however, the famous Habeas Corpus Act was passed in 1679. Although it stated no new principle, it did make the recognition of the right of Habeas Corpus more certain.

In wartime there are bound to be exceptions to the principle of Habeas Corpus. In the national safety there may be circumstances which justify the imprisonment of a person without a trial or an openly stated charge. There are bound also to be difficult cases about which there will be wide difference of opinion as to whether the imprisonment was justified. One can only say in general that in a democracy the exceptions must be as few as possible. Habeas Corpus is rightly regarded as one of the most important of all the safeguards of personal liberty, and its preservation should be jealously protected.

The Right to Vote and Freedom to Vote. The right to elect representatives and especially to be taxed only by elected representatives, goes back a very long way in British history, but the right of adult citizens in general to vote is comparatively recent. Until a century or so ago, the franchise was almost everywhere restricted to a small minority of men, and usually by the requirement that the voter should hold a certain amount of property. Only in the last hundred years has the idea of "manhood suffrage" come in, and it was adopted by various stages in different places, often in the face of bitter opposition. Only in this century did women get the vote in Canada, Britain, and the United States. Voting still has some restrictions which vary from place to place or for different kinds of elections, but the right of adult citizens in general to vote is now recognized as an essential part of democratic government.

There is, however, a further point—freedom to vote without interference, which right is protected by the secret ballot. A century ago the secret ballot was unknown. Voters declared their votes in public, and elections usually lasted for several days. In hot elections fights with bloody noses and broken bones were by no means

uncommon, so that voters were often bullied or frightened into casting their votes one way or another. The secret ballot was first used in Australia, where it was introduced in 1856, and for a time it was widely known as the Australian ballot. In a few years it spread rapidly. New Brunswick introduced it in municipal elections in 1856, and in 1878 it was used for the first time in a Dominion election. No one in a democratic country would now suggest a return to the old system of open voting.

The Right of Free Association. This is one of the most important of all democratic rights. What does it mean? It means the right of people to form all kinds of voluntary organizations for purposes in which they are interested without interference by government. Organizations or associations to commit crimes or to do things which are definitely injurious to the state, must of course be opposed. Such, for instance, are the organizations which take part in war-time "Black Markets," or organizations of criminals often referred to as "rackets." But the number of these is very small in comparison with the whole number of voluntary associations, and in general it is the duty of a democratic government to interfere as little as possible with voluntary associations, and indeed in many cases to protect and work with them.

We are so accustomed to this idea of voluntary associations that their number will surprise us. There are literally thousands of them throughout the country, and of many kinds. A great many are formed for purely private or social purposes; a great many, however, are concerned with matters of public interest. Even a partial list of different kinds will be a long one: churches; charitable organizations; organizations interested in music, art, sports, education; organizations interested in boys' and girls' activities; service clubs, Canadian Clubs, discussion clubs; historical associations, field naturalists' associations, scientific societies and clubs; organizations of people interested in various kinds of business and in the professions; trade unions, farmers' organizations, co-operatives, credit unions; consumers' organizations, producers' organizations, taxpayers' organizations; the political parties and many organizations within them; and so on almost *ad infinitum*.

Now what is the point of reminding ourselves of all this? First, it is to emphasize the necessity of this right of voluntary association in a democracy. One of the first things the Nazi party did when it gained control of Germany was to destroy the right of voluntary association as far as it could. It did not want citizens who thought and organized for themselves. It attacked especially the churches, the other political parties, and trade unions. In particular it brought all youth organizations under its control, and substituted for them the Hitler youth movement which produced the most fanatical and bitter Nazis. The Nazi party had no respect for the rights of the individual, and the attack on the right of free association was one of the chief ways in which that was made clear. It is no exaggeration to say that where the right of free association is destroyed, democracy cannot survive.

Secondly, we must remind ourselves what a tremendous contribution voluntary associations can make, and do make, to the life of a democratic country, and how important it is that citizens take part in them. Many of these associations do work of the greatest public importance in education, religion, recreation, the relief of distress, the organization of public opinion, and so forth. Scores of reforms, like the abolition of slavery, have been brought about in the past by associations of people who often ran serious risks in fighting for things in which they believed. Moreover, governments in democratic countries cannot, and must not, be expected to do everything. They must be assisted and often prodded by public opinion. We have had spectacular examples of the value of voluntary efforts in wartime. We are told, and it is true, that the hundreds of little boats which saved the British army at Dunkirk, could never have done what they did in the hour of crisis, if they had not been owned and manned by men who understood the spirit of co-operation and were trained in using their initiative. In wartime Canada, the government's policy of rationing, controlling prices, and collecting salvage, to take only three instances, has owed a tremendous debt to the assistance of voluntary organizations of people of all ages. These are but illustrations of the value of voluntary associations, and what is true in war is equally true in meeting the problems of peace.

The Guarantee of Our Civil Liberties. It is one thing to have civil liberties in theory, another to have them in practice. What guarantee, then, have we that civil liberties will be preserved? In the United States they are guaranteed in a part of the written constitution which is called the Bill of Rights, and Bills of Rights have been used also in other countries. In Canada there is no Bill of Rights in this sense, but the civil liberties are protected by laws and practices, such as the Habeas Corpus Act and the jury system, which are firmly embedded in the history of the country.

Is there, however, so much difference between these methods as appears at first sight? In one most important respect there is not. In both cases the only real protection of civil liberties is the understanding of them by the people and the determination to protect them. Without this understanding and determination, no constitution written or unwritten will be sufficient. Some countries have had written constitutions and Bills of Rights as nearly perfect as possible, with little or no real freedom. At bottom, therefore, the responsibility rests where it must always rest in a democracy, on the people themselves.

The Four Freedoms. In a message to the United States Congress on January 6, 1941, President Roosevelt said that the world of the future must be "founded upon four essential freedoms"—freedom of speech, freedom of worship, freedom from want, freedom from fear. It is little wonder that these came to be known immediately as The Four Freedoms, since they include so much of all that the democracies must strive for. Freedom of speech and freedom of worship are two liberties on which all the civil liberties depend; freedom from want and freedom from fear express desires that are as old as man himself. The modern world with all its resources of science has for the first time the means of destroying want everywhere, and even the means of destroying war which is the greatest cause of fear. Moreover, the modern world understands more clearly than ever that it cannot have millions of people living in misery and fear, without threatening the peace and prosperity of people everywhere. No country, someone has said,

can be permanently an island of prosperity in an ocean of fear and misery.

This is not to say that the realization of the Four Freedoms will be easy. So hard will it be that many think them unattainable. Hitler said in effect to the German people, I can give you security, but you will have to give up your freedom for it. The democracies must aim to give both security and freedom; and we can be sure that men will never in the long run be satisfied with less. Such an aim demands, however, every ounce of intelligence, determination, and goodwill that can be put into it not only by democratic leaders but by the rank and file of democratic citizens.

Education in a Democracy. Nearly a century ago, when the franchise was being extended in England to the lower classes, someone said, "We must begin to educate our masters," by which he meant that if the vote and political power were given to the common people, education must also be given. No country could afford to have masses of ignorant voters who could not at least read. That is why tax-supported schools came in during the nineteenth century as part of the rise of democracy. This was true in the United States, in Great Britain, in the British North American provinces like Upper Canada, where the fight for free schools was a burning question, and in many other countries. Before that time it had been argued that education was largely a private affair for which each family was responsible.

Today education is more necessary than ever. Whatever his occupation, the worker is handicapped unless he has at least the three R's, Reading, 'Riting, and 'Rithmetic, as our grandfathers called them, and he should have a good deal more. Moreover, we must have education as citizens no less than as workers, since people must understand their government if they are to govern themselves. Many things which used to be partly, or altogether, matters of private concern, are now matters of public interest—health, amusements, the buildings we live and work in, even food and clothing, and many other things. Scarcely an hour passes without our being affected in some way by the actions and policy of government. No

citizen can avoid having an interest in government, but the ignorant citizen certainly cannot have an intelligent one.

What is education, however, and what should be its purpose in a democracy? Thousands of books, articles, and speeches have discussed this question, and there will be thousands more. In a few words here we can make only two or three suggestions.



(*"The School" Magazine*)

WHAT SHOULD THE DEMOCRACIES EXPECT OF THEIR SCHOOLS?

Education must train us to make a living. It must be practical. But what is practical? There are the widest differences of opinion on this point and one can raise a discussion about it in almost any group old or young. Some, for instance, would not put English at first thought among the practical school subjects, and yet which would have the better chance in applying for a job, other things being equal, the person who spoke or wrote in a slovenly ungrammatical way, or the person who spoke and wrote well? Certainly education must be practical in the best sense of that term, and it

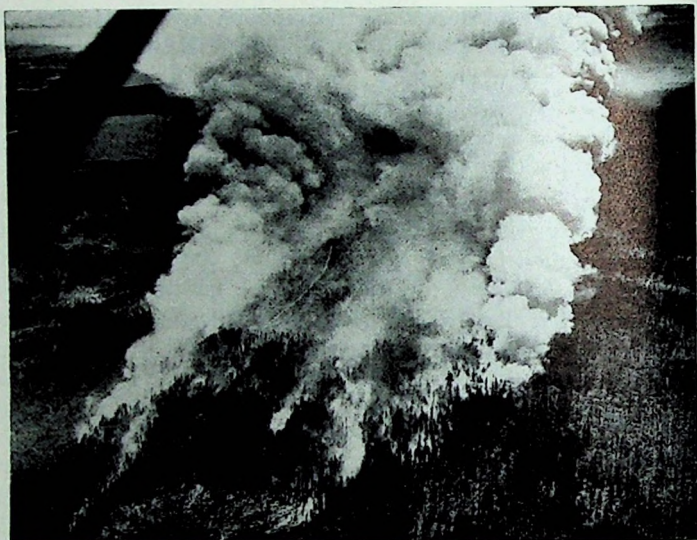
must constantly be improved. But the answer as to what is practical is not easy.

Education must encourage us to think for ourselves. It is always far easier not to think, and in the modern world that is especially true. We are so surrounded by distractions, as well as work, that we can easily fill our days without thinking. Reading the funnies is not a bad thing, but there are thousands of readers who are interested in nothing above that level and it is a safe guess that they are also not much interested in thinking for themselves. Brains are like muscles, they both get flabby without use.

This leads to another point. Education must fit us to be citizens in a democracy. No one in the modern world was more interested in education than Hitler. But listen to the vow taken by German teachers: "Adolf Hitler, we swear that we will train the youth of Germany so that they will grow up in your ideology, for your aims and purposes, and in the direction set by your will. This is pledged by the whole German system of education." Hitler wanted skilled workers, not democratic citizens. We want skilled workers *and* democratic citizens—citizens who know something about the history of their own and other countries, workers who are capable of thinking about their problems, and who have high qualities of character and mind as well as of body.

Finally, not all education is in the schools, important as they are. Education begins almost with our first breath, and it should not end till we have lost our power to think. Too often we look on education and schooling as the same thing. Much of what we learn we learn outside school, in the family, in the playground, on the street. Much of it is good, some of it is not so good, but we can always choose the best rather than the worst in our opportunities. Governments have a duty to educate us, but we also have a duty to educate ourselves. Many people who have had little schooling have become truly educated. Today in Canada there are more opportunities than ever before for self-education after we have left school. There are books, pamphlets, libraries, much that is worthwhile and interesting in newspapers, magazines, and radio programmes. There are many organizations which provide information

and encourage discussion. The real problem is getting people to take advantage of their opportunities. You can bring the water to the horse, but what are you to do if the animal has no thirst?



A FOREST FIRE FROM THE AIR

Was this one of the many fires caused by someone's carelessness?

The Community, the Citizen, and the Government. We must not close this chapter without a reference to the citizen and his community. What does the word "community" mean? It seems very flexible; sometimes it means a rural area, at other times a village, a city, or even a street. Always, however, it carries the idea that the people in it have interests in common—not all interests but certain important interests as citizens. A place torn by feuds could certainly not be called a true community.

This idea of the community goes back a very long way. If it is not as old as the family, it is nearly so, and it has always been important in British and Canadian history. It is certainly important

in democracies because in his local community the ordinary citizen has his best opportunity of protecting his rights and shouldering his responsibilities as a democratic citizen. There he can most easily influence public opinion; there he can most easily take a part in matters of public interest.

It is no wonder that Hitler's Germany was completely opposed to this idea of the community. The community, no less than the individual, was to be brought under the complete control of an all-powerful government. The community, on the other hand, which is made up of public-spirited citizens who show independence and initiative in tackling their common problems, is a bulwark of democracy. Democratic governments which are wise realize this fact, and encourage a healthy community spirit, for they know that where there are communities in the best meaning of the word, there are also citizens who never forget one of the wisest things ever said about the democratic citizen and his government: "Those who have responsibilities without rights are slaves; those who have rights without responsibilities are parasites."

Chapter III

Parliamentary Government and How It Works

AT EACH opening of Parliament in England a strange sight may be seen—a solemn and very dignified gentleman walking through the Parliament Buildings from the House of Lords to the House of Commons. He is Black Rod, or “The Gentleman Usher of the Black Rod,” to use his full title, an official of the House of Lords whose duty it is to maintain order if any member is unruly, and whose office dates back to 1350. As he approaches the door of the Commons, it is shut in his face. He knocks three times with his black staff, his symbol of office, and on being asked, “Who is there?” replies “Black Rod.” He is admitted, and advancing toward the Speaker of the House of Commons he says, “Mr. Speaker, the King commands this honourable House to attend His Majesty immediately in the House of Lords.” Turning, he makes his way back, followed by the Speaker and members of the Commons, who crowd into the House of Lords, and there the members of both Houses listen to the King read his Speech from the Throne, formally opening another parliamentary session.

What is the meaning of Black Rod’s strange ceremony? It dates back three hundred years to 1642 when Charles I, accompanied by a bodyguard, entered the House of Commons in an attempt to arrest five of its members. He found that the five had departed, and he was obliged to leave without them, but this attempt to interfere with the House by armed force was not forgotten. The time has long passed since the King could repeat such a threat; but Black Rod’s ceremony is still kept, not only as a symbol of the freedom and independence of the House of Commons, but of

all members of Parliament. There are many other symbols and rules which emphasize the same thing. The King cannot enter the Commons at any time. No military force may draw near it. No member may be arrested for debt, or a political offence, or for anything while he is in the House.

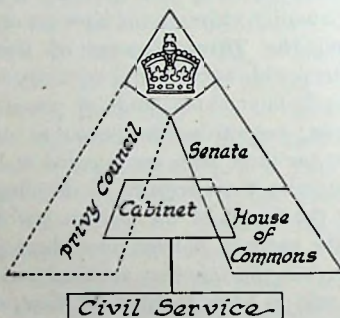
Parliamentary government is not the only form of democratic government, but it is the oldest, and yet it is as modern as it is old. From England, where its development stretches back to the thirteenth century and even earlier, it spread to all parts of the British Empire, and indeed every effort at free government in the modern world has been influenced by it. It is the basis of Canadian government, and every Canadian citizen must have an understanding of it.

Parliament and the Three Powers of Government. All governments in the world, ancient and modern, have one thing in common. They each have three kinds of power: legislative—the power to make laws; executive—the power to enforce laws; judicial—the power to try those who are accused of breaking the law, which often means also the necessity of deciding in a particular case exactly what the words of the written law mean. But if all governments are the same in having these three powers, there are the widest differences in the way they are used and controlled. Louis XIV of France is said to have declared, “L’Etat, c’est moi!”—The State, I am the State—by which he meant that all powers, legislative, executive, and judicial, were in his hands. Never in modern times was this idea carried farther than in Hitler’s Germany, where every citizen was expected to swear blind obedience to the Führer, and where every part of the government was brought under his complete control. This was despotism or totalitarian government in its extreme form.

Such a totalitarian system is as far as possible from the democratic ideal. In a democracy the legislature, the executive, and the judiciary must each play its part and each must respect the others. In the parliamentary system the legislative power is controlled by Parliament, the executive power by the Cabinet, and the judicial power by the courts. We shall leave the judicial powers to Chapter VI. In this chapter we shall look at the legislative and executive powers.

Let us then in the following paragraphs look at the general principles of the parliamentary system as it is found not only in the United Kingdom but in Canada and other parts of the British Commonwealth.

Parliament and Its Legislative Powers. What is Parliament? We usually speak of the British Parliament as consisting of the House of Lords and the House of Commons or of the Canadian Parliament as consisting of the Senate and House of Commons, or of a Provincial Parliament as consisting of the elected Legislative Assembly.* It will surprise a great many people to learn that,



THE PARLIAMENTARY SYSTEM IN CANADA

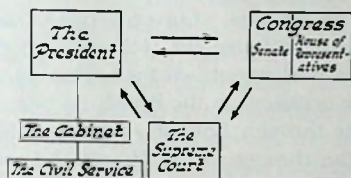
It is difficult to illustrate so flexible a system by a chart. This chart does, however, suggest the relations of the principal parts of the system to each other, although it does not make clear the important fact that the centre of authority is finally in the House of Commons. The civil service is also finally controlled by Parliament through the voting of money, and also through laws such as the law setting up a Civil Service Commission which supervises a great many of the appointments. The Privy Council is indicated by a broken line because, as explained on pages 32 and 34, it has no active part in government.

strictly speaking, this definition is incorrect, because Parliament also includes the King or his representative, such as a Governor-General or Lieutenant-Governor. It is true that, compared with three or four hundred years ago, the King has lost his power of

* Only Quebec among the Canadian provinces has two Houses.

THE GOVERNMENT OF THE UNITED STATES

The system of government of the United States, which is illustrated by this diagram, consists of three parts: the executive part, which is the President; the legislative part, which consists of a Congress of two elected Houses, the Senate and the House of Representatives; and the judicial part, the Supreme Court.



This congressional system, as it may be called, has many differences from, as well as similarities to, the parliamentary system. The greatest similarity is, of course, that like the parliamentary system it rests on the will of the people as expressed through their votes. A most important difference is in the relation of the President and his Cabinet to Congress, which is quite different from the relation of the Prime Minister and Cabinet to Parliament. The President is elected every four years and stays in office no matter whether his party has a majority in Congress or not. The President does not sit in Congress as does a Prime Minister, and the Cabinet in the United States is quite unlike a Cabinet in the parliamentary system, since its members do not sit in Congress and are responsible only to the President.

The House of Representatives is elected every two years, and one-third of the Senate are elected every two years. Members of the Supreme Court are appointed by the President, but their appointments must be approved by the Senate. The Supreme Court, however, has a very important check on both the President and Congress, because in trying cases it can refuse to recognize laws which it considers are contrary to the Constitution.

Each of the parts of government in the United States is, in fact, independent of the others, and matters are so arranged that each of them can check the others, as is indicated by the arrows. An example of this is that the two Houses of Congress can pass an Act but the President can veto it by refusing to sign. If, however, the Act is passed again by a two-thirds majority in each House, it becomes law in spite of the President's veto. There are many other illustrations of this system of "checks and balances," as it is called. This is quite unlike the parliamentary system, which tends to concentrate power in the hands of the elected House, and the elected House in turn controls the Prime Minister and Cabinet.

governing. In fact, the history of Parliament is largely a story of the way in which the House of Commons gradually gained control over the powers held by kings like Charles I in the seventeenth and earlier centuries. Nevertheless, the King is still a part of Parliament, and he and his representatives still have a place in the parliamentary system of government, as we shall see.

A Parliamentary Session. On only two occasions do we see the King, or his representative the Governor-General or the Lieutenant-Governor, *in* Parliament—at the beginning and at the end of a session. On these occasions in the British Parliament the King and Queen ride in state through London and take their places in ceremonial robes on the thrones in the House of Lords. Then comes Black Rod's ceremony, and the reading by the King of the Speech from the Throne. These and many other bits of ceremony, which are imitated more or less closely in Parliaments throughout the British Commonwealth, draw attention to the centuries of growth and conflict which lie behind the system of free parliamentary government today.

The Speech from the Throne at the beginning of the session usually refers to the important public issues, and suggests more or less definitely the laws which are going to be proposed to deal with them. Similarly, at the end of the session, the Speech reviews the laws which have been passed. These Speeches from the Throne, as everyone knows, are not written by the King or his representatives as they once were, but by the Prime Minister and the Cabinet.* The Speech from the Throne at the opening of Parliament serves an important special purpose. A full debate on it is the first business of the session, and this usually gives a good survey of important problems in general, before the House gets down to details.

The length of a Parliament's life varies in different cases. In the case of the Canadian Parliament, the British North America Act limits the term to five years. A Parliament does not have to live out its full term, however, and it is very common for it not to do so. At any time the Cabinet may "advise" the King or his representative to end or "dissolve" Parliament, which makes an election neces-

* In colonies which do not have full powers of self-government, the governor is still responsible for the Speech from the Throne.

sary. In such a case the Cabinet naturally chooses a time which it thinks is favourable to itself, or when there is some question of importance making it desirable, as we say, for Parliament "to go to the country."

A session of Parliament usually lasts several months but may last only a few days. Not more than twelve months may elapse between sessions. This is stated for the Canadian Parliament in the British North America Act, but there are many other reasons for annual sessions, one of the chief being that taxes are voted for not more than a year at a time. Annual sessions did not become the rule in England until almost the end of the seventeenth century. Queen Elizabeth, for instance, called Parliament together only twelve times in her reign of forty-four years.

Political Parties in Parliament. Political parties are an essential part of parliamentary government. In a totalitarian country there can be only one political party, and the government can scarcely be changed without revolution. Bullets take the place of ballots. But in the parliamentary system, the existence of more than one political party is taken for granted. The party which has the majority in the elected House is said to be "in power" and its opponents are "in opposition," with the chance, when they gain the majority, of taking control of the government.

In this connection, we should look for a moment at the seating arrangements in a House of Parliament, since these have a real importance in the conducting of parliamentary meetings. The room is rectangular in shape. In the centre, at one end, and raised two or three steps above the floor, is the Speaker's chair—usually a fine ornamental piece of furniture in keeping with the dignity of the Speaker's office and from which he presides over the debates. On each side, and running the full length of the House, is a tier of seats for the members. On the Speaker's right sit the members of "His Majesty's Government," as the party of the majority is called, with the members of the cabinet in the front row and nearest the Speaker. On the left of the Speaker's chair, sits the "Opposition," with its leader and chief members in the front row directly facing the members of the cabinet. This arrangement had

its beginnings in the early history of Parliament over four hundred years ago, and is not only excellent for debating but also clearly separates the "Government" and the "Opposition," each of which has its part to play in the parliamentary system.

What are these parts? The Government is responsible for presenting to the House the most important proposals for legislation, and these include almost all the proposals dealing with questions of public concern such as taxation and numerous others. These proposed Acts are called Government measures, and on them the Government party is prepared to stand or fall. If a Government measure is defeated the vote is called a vote of "want of confidence," the result of which will be the resignation of the Cabinet and almost certainly another general election. By no means, however, are all the Acts proposed in Parliament, Government measures. Any Member can bring in a "Private Member's Bill" as it is called, on which all Members may feel free to vote as they please without regard to their party. These Bills usually have to do with private matters, but sometimes they are concerned with questions of public importance. The defeat of such a Bill does not, however, bring about the resignation of the Government, since the Government assumes no responsibility for it.

What is the role of the Opposition? It is as essential in the parliamentary system as that of the Government. The Opposition's role is not to oppose or obstruct merely for the sake of opposing. It may, and often does, support the Government when it thinks the Government is acting wisely, but its chief duty is to criticize and to show how it thinks the Government's policy should be improved. In this way it keeps the Government "on its toes," and performs a valuable service because few Governments can be at their best for long without an able and public-spirited Opposition. The official name of the Opposition is the curious but very appropriate one of "His Majesty's Loyal Opposition."

Sometimes there are more than two parties in the elected House, none of which has a majority, and this leads to an interesting situation. Two of them, for instance, may decide to work together in order to have a majority, and this union is called a Coalition.

Coalition Governments may last some time, but they are often short-lived. If, however, a Coalition is not formed, the largest group usually becomes the Government, and the other two the Opposition. Such a Government may also last some time since the Opposition groups may not wish to co-operate sufficiently to unite in defeating the Government, and so the Government may get sufficient votes from Opposition members to pass its measures.

One more word should be said about parties in Parliament. Each has its own organization. Its members come together privately to discuss their policy in meetings called the party Caucus. Each party also appoints one of its members as the Whip, one of whose responsibilities is to keep in touch with members of his party who are absent from the House. Many a Government has been narrowly saved from defeat by a quick vote because the Whip was able to summon his absent members at a moment's notice.

How an Act is Passed. Every Act or Statute, before it becomes law, must be passed by a majority in each House of Parliament and must be signed by the King or his representative. Until these stages are complete it is, in fact, not an Act or Statute but a Bill. During this process a Bill passes through "three readings," in each House. On the first reading it is usually passed without debate and without a formal vote. The second reading, which may come immediately, or some days later, is the one on which most of the debating takes place. The mover of an important Government measure will almost certainly be a member of the Cabinet. Then follow speeches by the seconder and other members, which may be few or many, and may last for several sittings.

After a vote is taken on the second reading, however, the House goes into the "Committee of the Whole," as it is called, that is, a committee consisting of all the members of the House. This is a most important stage, because in it the debate is carried on not by speeches but by discussion back and forth as in any committee meeting. Changes in wording and in other details may be made, and the mover and seconder may accept suggestions even from their opponents. In the Committee of the Whole the chair is taken not by the Speaker but by the Deputy Speaker or even some other

Member. This is to show that the discussion in the Committee is not a formal debate. When the discussion is finished, the Committee of the Whole is brought to an end, the Speaker again takes the chair, and the Bill as amended in the Committee of the Whole is reported to him. There may still be some formal debate before the vote on the second reading is taken. The Bill as amended is then reprinted ready for the third reading, the debate on which is usually brief, as the Bill by this time has been thoroughly discussed.

A formal vote of the House is called a Division. During the passing of a Bill through its various stages, there may be a number of decisions without a formal vote, but there is usually a Division on at least the second and third readings. A Division in the Canadian House of Commons is taken by calling the roll and having each member declare his vote, the Division bell being rung before the vote to warn members who are out of the room. In the British House, members vote by walking out through two doors, the Ayes into the west lobby, the Noes into the east. They are counted as they walk out.

An Act when finally passed is given a number. The British North America Act of 1867, passed by the British Parliament to bring about Confederation is, for example, 30 & 31 Victoria, C.3, which means that it is, Chapter, or Act, number 3, of the Parliament which met in the thirtieth and thirty-first years of Queen Victoria's reign.

The Rules of Debate. The rules of parliamentary debate, like so many other things about Parliament, are the result of centuries of development. Each House controls its own rules: for example, most speeches in the Canadian House of Commons are limited to forty minutes, but the general rules of debate are the same in all Parliaments. Their purpose is to encourage free discussion but at the same time to preserve the dignity of debate. It is a dangerous sign when public discussion falls to a low level. Like the thermometer in the patient's mouth the level of public debate is one of the best indications as to whether the public life of the country is in a healthy condition.

The rules of debate are a study in themselves, and only a few can be mentioned here. Every member, when he speaks, must address the Speaker, and must refer to any other member as "the honourable Member from . . ." (using the name of his constituency). The Speaker must be treated with the utmost respect, and has even the right in extreme cases to have an unruly member removed from the House. He must be impartial, favouring no party, for he more than anyone is responsible for the dignity of the House. His office is an ancient, honourable, and important one. There has been a continuous line of Speakers in England since 1377. No member may use "unparliamentary" language, such as language reflecting on the honesty of another member. The Speaker has the right to decide when language is "unparliamentary," and to demand that the member "withdraw" what he has said. The Speaker may be over-ruled by a two-thirds vote of the House but this does not often happen. While the House is in session the mace, the symbol of the House's dignity and independence, sits on the Clerk's table before the Speaker. It is carried in and out by the Sergeant-at-Arms at the beginning and end of each sitting, and no member may disturb or touch it.

The recording of debates varies with different Parliaments. Where a stenographic report is made and printed, as in the Dominion Houses, it is called Hansard, and anyone may obtain at very small cost from the King's Printer the record of any day's debates. Until late in the eighteenth century it was illegal to print reports of parliamentary debates in England. This was a survival of the old custom of holding the debates in secret in order to prevent the King from interfering with them or punishing any member for what he said. For the same reason visitors were not supposed to enter the House. Now a visitors' gallery is provided, but there must be no applause, and it may be cleared at the Speaker's order. Occasionally, the House may even have a secret session, as in wartime, for the discussion of confidential information.

Parliament and the Executive Power. The executive power, as pointed out earlier, is controlled by the Cabinet. What, however, is the Cabinet, and what is its relation to Parliament? If we

go back three hundred years and more in English history, we find that the King controlled the executive power. This power, often called the power of the Crown, was symbolized by the magnificent piece of jewelry placed on the King's head at his coronation. For consultation and to give advice when he requested it, the King had a Privy, or private Council. But because this became a rather large and unwieldy body, the custom developed of choosing from among its members a small council to assist the King in carrying on the government from day to day. The members of this small council were known as the Ministers of the Crown, and it is this committee which was the origin of the modern Cabinet.

How did the old Council turn into the Cabinet of today? By two important changes which gradually took place, beginning about the end of the seventeenth century and lasting down into the nineteenth: (1) the two Houses of Parliament, and especially the House of Commons, gained control over the King's Ministers; and (2) the Ministers gained control over the powers of the Crown. We can understand the results of these changes if we observe how the Cabinet system works at the present time.

(1) *How do the Houses of Parliament Control the Cabinet?* The Houses of Parliament control the Cabinet, first, by the way in which the Cabinet is chosen. Immediately after an election, the King or his representative must ask the leader of the party which has the largest number in the elected House to become the Prime Minister, and "to form a government," that is, to choose the other members of the Cabinet, which he does from among the members of his party. Each Cabinet Minister must have a seat in one of the Houses of Parliament or must get one as soon as possible, and most of them will be chosen from the House of Commons. The Cabinet is thus a special kind of committee of the Houses of Parliament.

Cabinet Ministers also, however, are made members of the Privy Council of Great Britain, Canada, etc., as the case may be.* The Cabinet is therefore two committees in one, it is a committee

* The Canadian Prime Minister is made a member of the British, as well as the Canadian, Privy Council. British Privy Councillors are entitled to the term "Right Honourable," Canadian Privy Councillors "Honourable."

CHANGING CABINETS AND CHANGING NEEDS

DOMINION

1867

ONTARIO

President of the Council
Minister of Justice
Minister of Finance
Minister of Customs
Receiver General
Minister of Militia
Minister of Excise
Minister of Public Works
Minister of Marine and Fisheries
Minister of Agriculture
Secretary for Canada
Secretary for the Province
Postmaster-General

Attorney-General
Treasurer
Commissioner of Agriculture and Public Works
Secretary and Registrar
Commissioner of Crown Lands

1914

Premier and President of the Council
Minister of Justice and Attorney-General
Minister of Finance
Minister of Customs
Minister of Inland Revenue
Minister of Militia and Defence
Minister of Trade and Commerce
Minister of Public Works
Minister of Marine, Fisheries, and Naval Service
Minister of Agriculture
Secretary of State and Minister of Mines
Minister of Interior
Postmaster-General
Minister of Railways and Canals
Minister of Labour
3 Ministers without Portfolio

Premier and President of the Council
Attorney-General
Treasurer of the Province
Minister of Agriculture
Minister of Public Works
Secretary and Registrar of the Province
Minister of Lands and Mines
Minister of Education
Minister without Portfolio

1944

Prime Minister, President of the Privy Council, Secretary of State for External Affairs
Minister of Justice and Attorney-General for Canada
Minister of Finance
Minister of National Revenue
Minister of National Defence
Minister of National Defence for Air
Minister of National Defence for Naval Services
Minister of Trade and Commerce
Minister of Public Works
Minister of Fisheries
Minister of Agriculture
Secretary of State
Minister of Mines and Resources
Postmaster-General
Minister of Transport
Minister of Labour
Minister of Munitions and Supply
Minister of National War Services
Minister of Veterans' Affairs
Minister of Reconstruction
Minister of National Health
Minister without Portfolio

Prime Minister and President of the Council and Minister of Education
Attorney-General
Provincial Treasurer and Minister of Mines
Minister of Agriculture
Minister of Highways and Public Works
Provincial Secretary and Minister of Municipal Affairs
Minister of Lands and Forests
Minister of Labour
Minister of Health and Minister of Public Welfare
Minister without Portfolio

These lists of the Dominion and Ontario Cabinets at three different periods illustrate the flexibility of the cabinet system, and show how the activities of Canadian governments have been enlarged to meet changing needs.

of the Houses of Parliament and also a committee of the Privy Council; and although the Privy Council scarcely ever meets and has no power, the members of the Cabinet are not only members of Parliament, but are "Ministers of the Crown," because they belong to the private council of the King.

Secondly, the Cabinet is controlled in particular by the House of Commons, because it can stay in power only as long as it is supported by a majority of the elected members. This is often called Responsible Government, because the Cabinet is responsible to or dependent on, the elected House. If a Government measure is defeated, the Cabinet is said to have "lost the confidence" of the House, and its members will then offer their resignations as Ministers of the Crown to the King or his representative. They still, of course, remain members of Parliament until an election is held.

(2) *How does the Cabinet control the Powers of the Crown?*

The executive part of government is still carried on in the name of the King as it was hundreds of years ago. Law is enforced, criminals are prosecuted, taxes are collected, etc., in his name. Now, however, we know that this executive power is actually in the hands of the Cabinet. What has happened?—a very simple but most important change. In the old days the King got advice from his council, but he could do as he pleased about it. Now, every decision of the Cabinet is sent on as "advice" to the King or his representative, but it cannot be refused. It must be accepted. A decision of the Cabinet, which is issued in the King's name, is called an order-in-council.

When we speak of a "constitutional monarchy," this, then, is what we mean—it is a monarchy in which the powers of the Crown are controlled by the "advisers" of the King, and the advisers are controlled in turn by the elected representatives of the people.

The Position of the King in the Parliamentary System.

If the King or his representative has no power, what, then, is his importance? First, he has two rights: (1) the right to be informed as to what the Cabinet is doing, and to be given all the information,

which it has, secret and otherwise; (2) the right to advise and warn the Cabinet, even though it may not accept his advice. Through these two rights the King or his representative may exercise a considerable influence, especially if he is a man of sound judgment and common sense. If, for instance, there are more than two parties in the elected House, none of which has a majority, the King will be fully consulted and may have considerable influence in determining whether a Coalition will be formed or who will be asked to become Prime Minister.

The King or his representative is, moreover, the symbol of the unity of the country. He is the highest representative of the state on ceremonial occasions. He must, of course, belong to no party, and must be careful never to express a political opinion. His position is one of great difficulty and responsibility, but one of great opportunity if he has qualities of intelligence, judgment, and devotion to duty. It is important to remember, also, that since the Revolution of 1688 the King's right to the throne is determined by Act of Parliament, and the King has, as we say, a parliamentary title to the throne. Since the development of the modern British Commonwealth the importance of the King has been increased, for he is now the King not only of the United Kingdom but of each of the self-governing nations of the Commonwealth. He is the visible link holding the Commonwealth together.

The Departments of Government. Let us come back for a moment to the Cabinet. To carry on the executive powers of government various Departments are necessary, and each of these Departments has a Cabinet Minister at its head. On page 33 lists are given of several Canadian and Ontario Cabinets in different years. These lists are good illustrations of how Departments are added to or changed as new needs arise. The outbreak of war, for instance, always brings some sharp changes

Sometimes a Cabinet Minister may have more than one Department, or "portfolio." There are often, however, Cabinet Ministers "without portfolio," that is, they have no Department but take part in the general work of the Cabinet. A Minister must be ready at any time to answer questions in parliament with regard

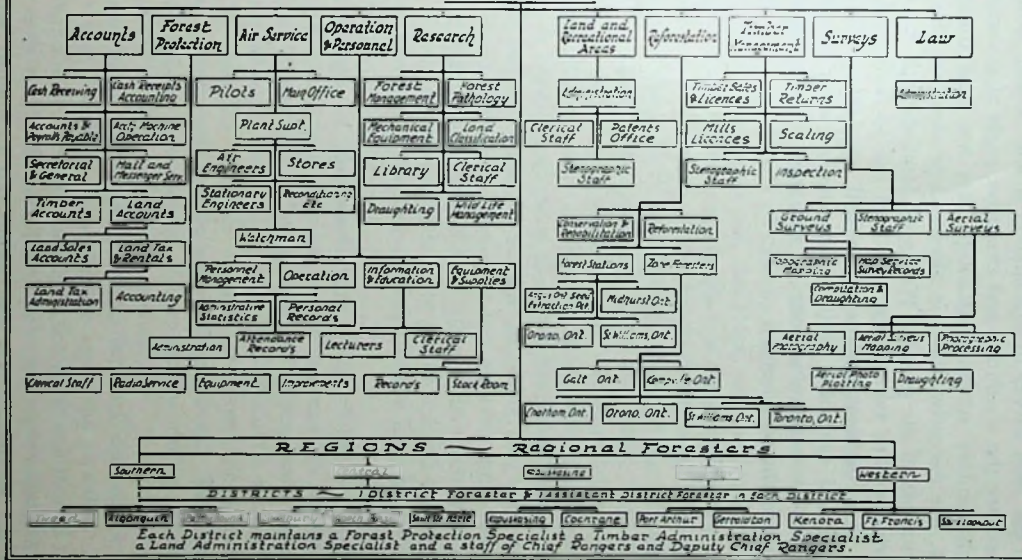
to his Department, and a regular question period is provided, which is an important feature of parliamentary government. A Cabinet Minister's post is a heavy responsibility, since the work of his Department goes on the year round, and he must be constantly in touch with it, while at the same time he performs his duties as a member of Parliament.

The Civil Service. The chief duty of a Cabinet Minister is to be responsible for the "policy" of his Department, that is, for its general plans. To do the detailed work day by day, the government has its permanent employees, called the Civil Service. At Confederation the Dominion Civil Service numbered about 1,500, seventy years later it had increased to almost 43,000.

The Civil Service is a most important part of the machinery of any government. Without a well-trained and honest Civil Service, efficient government is impossible. At the head of the Civil Service in each Department is the Deputy Minister, who works constantly in touch with the Minister, and under him are the employees of all kinds, scattered, as in the case of the Post Office for instance, throughout the country.

The method of appointing civil servants varies greatly at different times and for different governments. Since they are appointed by the authority of the Cabinet Minister, it has often been the custom to appoint supporters of the party in power, and many an election which brought a new party into power has been followed by a rapid changing of places. In the last thirty or forty years, however, there has been a great change in this respect in Canada, and it has become more and more common to appoint civil servants, especially to the more important positions, because of their qualifications, and not because of their party. In 1908 the Dominion Government established a Civil Service Commission for the purpose of choosing employees by competitive examinations, and a great many are now chosen in that way. The Civil Service of Great Britain still probably sets a standard for the world, but it is safe to say that the Canadian Civil Service, Dominion and Provincial, can now bear comparison with that of any country.

DEPARTMENT OF LANDS AND FORESTS
PROVINCE OF ONTARIO
DIVISIONAL ADMINISTRATIVE CHART
MINISTER
DEPUTY MINISTER



This chart of only one Department of the government of Ontario gives an idea of the varied services performed by the Civil Service. This Department, under the direction of its Deputy Minister, is responsible to the Minister of Lands and Forests, who is a member of the cabinet.

From the brief survey in this chapter it will be seen how closely connected are the legislative and executive parts of government in the parliamentary system. Although they are kept distinct, the Cabinet, the executive part, is always dependent on the elected representatives of the people. We are so familiar with the Cabinet and parliamentary system that we often fail to realize its significance. It is the most successful method yet devised for making legislative and executive parts of government work smoothly together, and it is therefore one of the most remarkable political inventions in human history.

Chapter IV

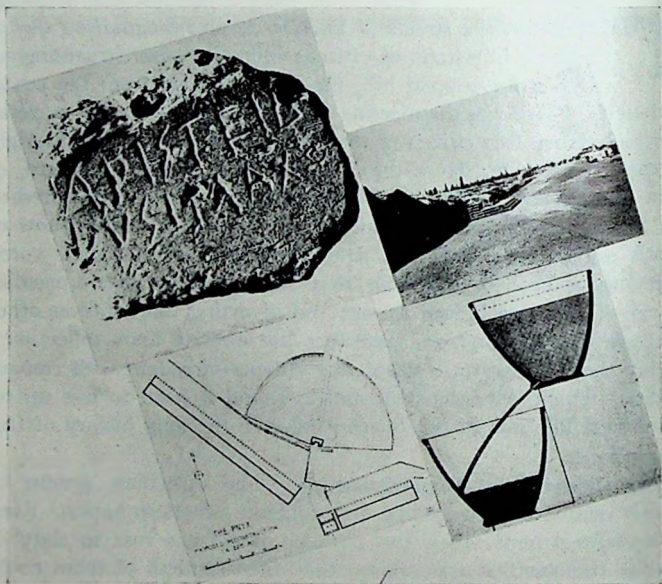
The People and Their Representatives

THROUGH the streets of ancient Athens on many a day of the year, hundreds of citizens might be seen streaming towards a flat-topped hill, the Pnyx, not far from the centre of the city. This was the meeting-place of the assembly, the ecclesia, in which every free citizen of the Athenian city state had the right to speak and vote. Here they listened, four or five thousand, or even more, while public questions, great and small, were threshed out in open, and often violent, debate; and here with a show of hands and often a shout of determination, they cast their votes, believing, as Pericles told them, that "we Athenians have a peculiar power of thinking before we act and of acting too, whereas other men are courageous from ignorance but hesitate upon reflection." Today the democratic ideal of tiny Athens—freedom with responsibility—which Athenians themselves found it hard to live up to, stands out like one of the beacon lights in the long history of free government.

The Principle of Representation. The Athenian system of "direct democracy" would be impossible in a modern nation. Even in ancient Athens when the number of citizens rose to sixty or seventy thousand, it was seldom that one-twentieth of them could attend the assembly at once. Instead of "direct democracy" we now have government by elected representatives. This principle of representation, unknown in the ancient world, is an essential part of every modern democratic system.

The principle of representation goes far back into medieval history. It had its origins long before even the so-called English Model Parliament of 1295, for which the King summoned to London not only the lords but also the elected representatives of the clergy, the knights of the shires, and the citizens of the towns.

From England the principle of representation spread to America. The first colonial assembly met in 1619 in the colony of Virginia, and from that point the principle of representation spread throughout the British Empire as other colonies were established. The first elected assembly within the bounds of present-day Canada met in Halifax in 1758.



THE ASSEMBLY PLACE OF ANCIENT ATHENS

Lower left and upper right, a plan of the assembly place of the fourth century, B.C., and a modern photograph showing speaker's rostrum. Lower right, a water clock, possibly used for timing speeches. Upper left, an ostrakon, a ballot scratched on pottery, cast against Aristides.

How Are Representatives Chosen?

The Election Machinery. To get an idea of how representatives are chosen in Canada, let us follow through the steps in a Dominion

election. There are at present 245 members in the House of Commons, elected by 243 "constituencies" (Halifax in Nova Scotia and Queens in Prince Edward Island send two each).

When Parliament is dissolved, the Prime Minister consults the Chief Electoral Officer, who is a permanent civil servant, and an election day is decided on. According to the Dominion Election Act it must be a Monday, or a Tuesday, if Monday is a holiday in the week chosen. In each constituency a "Returning Officer" is appointed by order-in-council, and when the date is chosen the election writs adorned with the Great Seal of Canada are sent out, directing the returning officers to prepare for the election. These preparations take seven weeks, since the following steps are necessary: (1) a preliminary list of voters in each constituency is prepared by "enumerators" appointed by the returning officer; (2) the preliminary lists are printed; (3) the lists are revised, citizens whose names have been omitted having a right to appear before a revising officer and state their claim; (4) the revised lists are printed; (5) then comes the week in which candidates are nominated; (6) then the ballots are printed.

The returning officer in each constituency is responsible not only for these preliminaries but for carrying through the election. He must arrange for polling stations, must appoint a deputy returning officer to conduct the election and count the votes in each polling station, and when he receives the statement of votes from each deputy returning officer he must add them up and proclaim which candidate is elected. In the unlikely case of a tie, he casts the deciding vote. The returning officer keeps the ballots and other papers for six days in case a recount is demanded by one of the candidates. Then he writes the name of the successful candidate on the election writ, and sends it back to the chief electoral officer in Ottawa, who publishes the names of the elected members in the *Canada Gazette*.

Nominating Candidates. The quality of members of Parliament depends on the quality of the men nominated to run, and the selection of candidates is therefore very important. Candidates are usually chosen by nominating conventions arranged by the members

of each political party in each constituency. Since political parties control their own conventions they can make what arrangements they please to ensure, for instance, that members of other parties do not take part. Each of the men who wishes to run usually states his case in a speech, and after listening to them the convention proceeds to select a candidate. If no one gets a majority the name with the lowest number of votes is usually dropped, and additional ballots are taken until someone is clearly chosen.



John F. Jones

CANADA

George V, by the Grace of God of Great Britain, Ireland
and the British Dominions beyond the Seas KING, Defender
of the Faith, Emperor of India.

To Sir M. Grant Mount Frost
in the Province of Ontario

Greeting:

Whereas, by the advice of our PRIVY COUNCIL FOR CANADA, We have ordered a PARLIAMENT
to be holden at Ottawa, on the fourteenth day of November next,

We Command You that, notice of the time and place of Election being duly given, you do
cause ELECTION to be made according to law of a MEMBER to serve in the HOUSE of
COMMONS OF CANADA, for the ELECTORAL DISTRICT of *Willington North*
in the Province aforesaid,

AND THAT YOU do cause the Nomination of Candidates at such Election to be held on
the seventh day of October next, and if a poll became necessary, that the same be held
on the fourteenth day of October next.

AND DO CAUSE the name of such MEMBER, when so elected, whether he is present
or absent, to be certified to OUR CHIEF ELECTORAL OFFICER, as by law directed.

Witness: ALAN FERNANDEZ LAMFIELD, Esquire, Deputy of Our Right Honourable Right Well Beloved Council and Commander, VICE BRADSHAW
KING, OF NEWBRIDGE, a Member of Our Most Honourable Privy Council, Knight, Knight of Our Most Honourable
Order of Saint Michael and Saint George, formerly Captain in Our Forces at home, ROYAL HUSBAND AND COMMANDER-
IN-CHIEF OF OUR DOMINIONS OF CANADA, at Our City of Ottawa, the fifteenth day of August in the twenty-ninth year of
Our reign and in the year of Our Lord 1918.

By Command

John F. Jones
Chief Electoral Officer

AN ELECTION WRIT

This writ, with the impress of the great seal, follows the
ancient formula in ordering the returning officer to conduct
an election in his constituency.

After the convention has made its choice an official nomination is sent to the Returning Officer. It must carry the signatures of ten voters in the constituency, and be accompanied by a deposit of \$200. Any candidate who in the election gets less than half as many votes as the successful candidate must forfeit his deposit. This is to discourage candidates from running unless they feel they have a chance of being elected.

The Voter Casts his Ballot. When the voter comes to the poll he will find several people in charge: first, the Deputy Returning Officer who presides and is responsible for seeing that everything is properly conducted; then the Poll Clerk who is appointed by the Deputy Returning Officer, and whose duty it is to check each elector's right to vote at that poll, and to enter his or her name, address, and occupation in a poll book; then there are the Scrutineers, two of whom are nominated by each candidate to watch proceedings and at the end of the day to check the ballots when they are counted. The voter, to mark his ballot, goes into a voting compartment where he can vote unobserved. The ballot is then deposited in the ballot box, which is kept locked until it is opened at the end of the day. The voter's duty at the poll is thus a simple one—merely to put an X opposite the name of the candidate for whom he wishes to vote. Even so, some ballots are always spoiled by having other marks put on them, and these ballots are not counted.

Freedom and Responsibility of Choice. We have gone over these steps rather carefully to make clear the precautions which are taken to ensure that elections will be properly conducted and that the voter will feel free to vote as he wishes. Someone has said that freedom of choice for the voter is the bedrock of free government. With freedom to vote only one way as in Nazi Germany there certainly could be no democratic government. With freedom of choice, however, goes responsibility. The most serious danger to democracy is the ignorant, ill-informed, and indifferent voter. The ancient Athenian law maker, Solon, is said to have required that in time of crisis every citizen must take sides. Citizens cannot be compelled to perform their democratic duties satisfactorily, how-

ever, if they have no sense of responsibility. Apathy in a democracy is like dry rot. If it goes far, it threatens the whole structure. The records show that in Dominion elections in the past thirty years from 69 to 78 per cent of the voters have voted. This is better than in some other democratic countries, but it is still not what it should be.

Who can Vote in Canada? The general rule is that every person in Canada, man or woman, is entitled to vote, provided he or she (1) has attained the age of 21 years by polling day; (2) has been resident in Canada for the twelve months immediately preceding polling day; (3) is a British subject; (4) has been resident in the electoral district at the date of the issue of the writs ordering the election. The following cannot vote: returning officers, except to decide a tie vote; judges appointed by the Dominion government; Eskimos; Indians on a reservation who did not serve in the last war or the present war; Japanese, Chinese, Hindus, and Doukhobors in British Columbia; Japanese in all provinces; people imprisoned or mentally ill, or convicted of corrupt or illegal practices; inmates of charitable institutions in Ontario, Nova Scotia, New Brunswick, and British Columbia. Each province has the right to determine the qualifications for its own provincial elections. In general they are the same as those mentioned above. Alberta in 1944 lowered the voting age to eighteen. The qualifications in municipal elections, which are dealt with in chapter VII, are rather different, and vary in different parts of Canada.

Political Parties and Elections. Political parties have been mentioned enough times already to show that they are of great importance in the system of parliamentary government. Like a good many other familiar words, the word "party" is not easy to define. One of the most accurate definitions is that a political party is a body of citizens who agree that they, or their candidates and leaders, ought to govern the country or the province. If a party is "in power," it believes it ought to stay in; if it is "out of power," it believes it ought to get in. This struggle for power is an essential part of democratic government, since it means that differences of opinion are freely discussed, and the voters have a chance of de-

ciding at elections which party will be given the responsibility of governing.

Parties, however, are not divided merely by the fact that they want to stay in power, or want to get in. If politics were merely a game of the "ins" and the "outs," public life would soon sink to a contemptible level. Each party also has its opinion of the way in which the country should be governed, of the laws which should be changed or passed; and these aims and proposals make up what we call the party's "policy." Sometimes parties differ very sharply in their policies, at other times the differences may not be very marked. Sometimes a party may have such differences of opinion within itself that its policy may not be very clear; and, moreover, if parties cannot satisfy the people, there is always the possibility that a new party may be formed. The policies of the parties are therefore important, and people are influenced by them in casting their votes, especially at times when great public questions have to be settled. Sometimes a party draws up a definite statement of its proposals and ideas, which it puts forward as the "platform" on which the party is prepared to stand. Parties also vary in the kinds of people or groups which support them. In a country of great size like Canada, different parts of the country are bound to have somewhat different interests, and a party will therefore be stronger in one part than in another since its policy cannot suit every part of the country equally well. This is true also of groups or classes of individuals such as business men, farmers, societies of various kinds, etc., who often tend to favour one party rather than another, even although they may not openly announce their support.

Finally, a political party is an organization of men and women who take an active part in running it. These people are only a small proportion of the voters, but they are the ones who provide the leadership and energy which keeps the party going. Most important among them is the "leader," who is usually chosen at a large party convention, and who will become the Premier if the party gets into power. Then there are the candidates who run for the party and the members who are elected. In addition there

are many others, including those in each constituency who take an active part in working for the party, especially at election time.

It is this organization which obtains and spends the "campaign funds" needed for elections. Even at best elections are an expensive business. Money must be paid out for printing, for halls in which to hold meetings, for advertising space in newspapers, time on the radio, and a hundred other items; at the worst, campaign funds may be spent for bribery or other corrupt purposes. Campaign funds are, therefore, neither good nor bad in themselves. It is their abuse, not their use, which makes them bad. Elections should be economically conducted, but expenses are unavoidable, and political parties must obtain their election funds by subscriptions, large and small, from their supporters. Citizens themselves are usually just as responsible for the waste or misuse of campaign funds as are the managers of political parties. Any citizen, to take an extreme case, who accepts bribery for his vote, is as guilty as the man who gives the bribe. They are both guilty not only of a crime but of striking at the very foundations of free government, for those who can be bought are little better than slaves. Fortunately, one may venture the opinion that the level of public life in Canada is higher than it was seventy-five and a hundred years ago, but it is the duty of all citizens to see that it is made better, for politicians alone cannot raise the standard of public life even when they wish to do so, unless the public wants politics conducted on a high level.

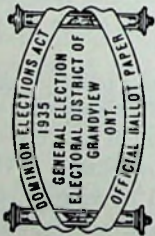
We have noticed four points in describing what a political party is: (1) it is a body of citizens who want to stay in power, or to get in if they are out; (2) it is a body of citizens who have a policy with regard to the government of the country; (3) in making the policy it is influenced by various classes or groups of people; and (4) it has a leader and an organization of active workers.

What, then, do parties do, or what service do they perform in governing the country? First, as we have seen, they name leaders and candidates, and present them to the voters for support. It is true that a candidate may run for Parliament without the support of a party, and "independent" candidates are not uncommon.

FORM OF BALLOT PAPER.

| | |
|----------|---------------------------------------------------------------------------------------|
| 1 | FRANK HENDERSON HALMON, R.R. No. 4, Cumberland, Ont. Merchant. |
| 2 | MARGARET ELIZABETH ROBINSON, 383 Riverside Drive, Toronto, Ont. Teacher. |
| 3 | HONOURABLE JOHN ROBERT SMITH, Cornwall, Ont., Minister of Public Works. |

Front

| | | | | | |
|-----------|-------------------------------------------------------------------------------|----------|------------------------------|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| No. 12778 | Space for descriptive number given to your opposite his name is Full Book. | No. | Space for initials of D.R.O. |  | POLLING DAY: September 14th, 1935. James Brown, Printer. 290 Slater Street, Ottawa, Ont. |
| | No. 12778 | | | | |

Back

But by far the largest number are put forward, and assisted in their election campaign, by a political party.

Secondly, political parties present the voters with arguments, pro and con, about important public questions, especially at election time. They arouse the interest of the voters and encourage them to vote by holding political meetings, by newspaper publicity, radio addresses, advertising, canvassing, and so forth. In doing these things each party is, of course, working first of all for itself, and it must be admitted that political arguments sometimes create confusion, not understanding. In spite of this, however, political parties perform a valuable service by helping to inform people and by promoting discussion. Political parties focus attention, therefore, on the issues which the voters must decide, and thus they assist in forcing the country to make up its mind.

Public Opinion: What Is It and What Does It Do? From what has been said it is clear that political parties have a great deal to do with public opinion. They help to create it, but it affects them even more because it decides elections and makes or breaks political parties. Political parties have sometimes been compared to the piston in a gasoline engine, which transmits the power from the gasoline vapour to the driving shaft of the machine,—they transmit the power of public opinion and turn it into political action.

Public opinion, however, is greater than any party, or than all parties combined, because it is the sum total of all individual opinions in the country. This explains the extreme difficulty of telling exactly what public opinion on many important questions is. It is also the reason why every citizen in a democracy has some responsibility in making public opinion, and whether we realize it or not we help to make public opinion every day by the way in which we talk and act. Public opinion ought to be intelligent and well-informed, but it may be stupid, ignorant, selfish, and prejudiced. It may be beneficial and constructive, or it may work for ill-will and strife.

Through the modern newspaper, the radio and loud-speaker, public opinion can be created and influenced on a scale never known before in the world. By these means the Nazi government

poisoned the minds of millions of German citizens. In Germany and Italy democratic government was destroyed when free public opinion was crushed. At the same time people must realize the danger of creating through public opinion too many irreconcilable parties and groups. Fascism triumphed in Italy because those who believed in free government would not co-operate, so that instead of political parties there were many bitterly opposed factions. In France the same weakness appeared, and this was one of the causes of her downfall in 1940.

What Should We Expect of Our Representatives? It is not enough to elect representatives. We should know what we have a right to expect of them. Are they the representatives of the people who voted for them, or of all the people in their constituencies even those who did not vote for them, or of the whole province or country? Surely the answer is that a representative must be all of these things.

People will first of all expect him to support the policy of the party to which he belongs. A point may arise where he feels he cannot do so, and he may even feel that he has to leave his party. But these circumstances are unusual. In general he will work for the policy of his party, and in doing so he will represent the views of those who voted for him. He must, in addition, represent all the people in his constituency. He should know its needs, and he should be expected to get, if possible, the improvements and government services to which it is properly entitled. It is not sufficient, however, for a representative to think only of those who voted for him or of his constituency. Like every citizen he must not be influenced merely by selfish or local interests. He must keep in mind the needs of his province and of the whole country.

It is no easy task for a representative to do all these things. Sometimes he will have to choose between one interest and another, and the choice may be difficult. But representatives are put in a position of great responsibility, and they must shoulder that responsibility even if, in doing so, they are expected to settle wisely problems for which the voters themselves do not clearly see the answers.

Only by making representatives responsible can democracy be made to work.

What Should Our Representatives Expect of Us? If we have the right to expect much of our representatives, they also have the right to expect much of us. If citizens think that government is merely something out of which the individual should get what he can, then representatives will sink to the same level. We are told that Lincoln's life was made almost unbearable by the scores of people who flocked into Washington like birds of prey, each intent only on getting what he could for himself. Lincoln is not the only democratic leader who has been thus handicapped. Someone has said that there are three types of citizens: those who are determined to get more than they give; those who keep the rules but are careful never to do more than their share; and those who do more than the rules require. If we expect good government, our representatives have the right to expect that the third class will outweigh the other two.

It has sometimes been argued that people cannot vote intelligently in the modern world where problems are so complex and difficult that they can scarcely be understood even by the expert. But people should not be asked to vote on the details of such problems. They should be asked only two things: (1) to understand in general the issues which face the country and the policies of the different parties with regard to them; (2) to choose in elections candidates in whose honesty and intelligence they have confidence. It has been proven over and over again that citizens of a democracy are fully capable of doing these two things. Our representatives have a right to expect this much and no less. If democratic citizens cannot vote intelligently in this way, the whole principle of representation breaks down and democratic government becomes impossible.

Chapter V

Canada's Federal and Parliamentary System

CANADA is not only one of the largest, but one of the oldest, federations in the world. We are accustomed to think of Canada as a young country, and in many ways that is true. In 1867, however, when the four provinces of Nova Scotia, New Brunswick, Quebec, and Ontario were united under a federal system of government there were only a few federations, Switzerland, the United States, and Germany being examples. Since then federalism has been adopted in a number of other countries such as Brazil, Australia, and Russia.

A federal system is one in which there are (1) a national or central government to control matters of concern to the whole country, and (2) provincial or state governments to control matters of concern to the individual provinces or states. There are thus two sets of laws in a federation, national and provincial, and every citizen is under both. A federal system is therefore more complicated than one in which there is a national government only, and for this reason federations have been established only where it seemed necessary, in order to obtain union. Federal countries, however much they may differ, all have one thing in common,—their people are not satisfied to have a national government only, they are determined also to have governments for the various parts of the country which shall control matters of local concern. It is not surprising, therefore, that most federal countries are large. Little Switzerland, with no fewer than twenty-two states or cantons, is a striking exception.

Geographical Reasons For Canadian Federalism. To understand the government of any country we must look at the map, and certainly that is true of Canada. From Atlantic to Pacific,

Canada extends east-west over three thousand miles: from her southernmost point on Lake Erie to her northernmost Arctic islands, she stretches north-south almost as far—a total area of almost 3,700,000 square miles. It is impossible in so large a country that the interests of all parts should be the same. They are bound to differ in resources, in needs, and in the ideas of their people.

Canada has at least five regions, differing in population, climate, and industries, and sharply separated by distance or geographic barriers—the Maritime Provinces, the St. Lawrence region, the Prairie Provinces, the Pacific Coast, and the Far North. Farthest east is the region of the Maritime Provinces with about one million people whose chief interests are in fisheries, forests, and agriculture. Throughout their history the Maritime Provinces have looked out to the Atlantic rather than inland. Next to the west is the region of the St. Lawrence River and Great Lakes, the provinces of Quebec and Ontario. Most of their population of over seven millions is concentrated near the St. Lawrence waterway in an area of farming and manufacturing, but the two provinces extend north for hundreds of miles to Hudson Bay and Hudson Strait through a vast stretch of mining and forest country, very thinly populated and still largely undeveloped. Travelling still further west, we come to the Prairie Provinces whose two and a half million people have been concerned above all with the growing of wheat for the markets of the world. Farthest west and looking out across the Pacific is British Columbia with its timber, minerals, fisheries, and farm lands. Sharply separated from the rest of the Canadian people, most of British Columbia's population of nearly one million are concentrated in the south-west corner of the province in and near the cities of Victoria, Vancouver, and New Westminster. Finally, there is the region of the Far North, stretching beyond the Prairie Provinces and British Columbia for hundreds of miles into the Arctic, and consisting of Yukon Territory, and the North West Territories of Mackenzie, Keewatin, and Franklin. In recent years we have begun to recognize the possibilities of this region, but its population as yet numbers scarcely twenty thousand, and since there are not sufficient people to make the establishment of prov-

inches possible, this great region is still under the control of the national government.

The Rocky Mountains are the greatest single geographical barrier in Canada, but they are not the only one. Between the settled parts of Ontario and Manitoba there is a long stretch of rockland and forest where the Laurentian Shield comes down toward the Great Lakes. This is a very formidable barrier, and between the Maritime Provinces and Quebec there is another similar stretch, which, though smaller, has been none the less difficult. Geography, which has divided Canada into sections, is thus one of the chief reasons for Canada's federal system.

Historical Reasons For Canadian Federalism. History, however, also plays its part. Each province has its own history, and as we study these histories we realize that the provinces were established in different ways and by different groups of people, that each has developed its own interests and ways of doing things. So much is this the case that even in the Maritime Provinces, which are small in area and population, there has never been a sufficiently strong common feeling to bring about union. A somewhat similar situation is found on the Prairies, though their history is very different from that of the Maritime Provinces. Manitoba became a province in 1870. Not until over thirty years later did the Prairies farther west have sufficient population to be divided into provinces, and the people who were settled west of Manitoba wished to have their own governments. Two new provinces, Saskatchewan and Alberta, were therefore created in 1905.

The most important example of the influence of history in Canada's federal system is Quebec, which traces its history back to the beginning of the seventeenth century. When Quebec became a part of the British Empire in 1763, the French Canadians continued under British rule to have freedom of worship, their own methods of education under the control of the church, their own language, and customs of living. The Quebec Act of 1774 still further protected these characteristics by confirming (1) the seigniorial system of land holding, (2) the right of the church to collect tithes, and (3) the French civil law (although English criminal

law was substituted for French criminal law). When, therefore, Quebec entered Confederation in 1867, she did so because in the new government the questions of language, education, and civil law were left under provincial control, and the French-Canadian leaders who favoured Confederation felt that they would be better able to



(from the painting by Norman Rockwell)

FREEDOM FROM WANT

protect these special interests in a federal system than in any other way.

Steps in the Development of Canada's Federal and Parliamentary System. Canada was the first country to have both a parliamentary and federal system, and Canada and Australia are still the only countries with this combination. Britain has the parliamentary system but not federalism. The United States has federalism, but not the parliamentary system. Canada drew the parliamentary system from Britain, and many of her ideas of federalism from the United States; but she had to adapt these examples to her own purposes, and she has therefore been a pioneer in developing her own type of government. For that reason her example has aroused interest in other parts of the world, and has been watched closely, for instance, in Australia and India, each of which also has a problem of federalism and parliamentary government.

To understand Canada's government it is worth recalling that the Canadian parliamentary and federal system developed in several stages which are clearly marked, although they overlap. (1) *The establishment of representative assemblies.* This came at different times in different provinces. The first, for instance, was established in Nova Scotia in 1758. Upper and Lower Canada got their assemblies in 1791. In what is now Saskatchewan and Alberta there was, before 1905, one representative assembly which sat at Regina. (2) *The establishment of cabinet or "responsible" government.* The struggle for responsible government is one of the most important chapters in Canadian history, with names such as Joseph Howe, Baldwin, Lafontaine, Lord Durham, and Lord Elgin in the forefront of the story. Responsible government meant that the Governor's council, instead of being dependent only on the Governor, became a real cabinet, dependent on the majority in the elected assembly. This change came first in the 1840's—in Nova Scotia in 1848, and in the united provinces, now Ontario and Quebec, in 1849, as a result of the bitter crisis in which Lord Elgin played so prominent a part. From this point the principle of responsible government kept on growing, and was

adopted also in other provinces as they developed. Along with responsible government came the growth of political parties as well as other signs of democratic government. (3) *The establishment of Federalism*. This came in 1867 with the adoption of Confederation. (4) *The development of Canadian self-government*. This development was spread all through the hundred years following Lord Durham's famous *Report* of 1839. Responsible government and Confederation were important steps toward self-government, but the growth toward full self-government, which is dealt with in chapter IX, increased after 1867, and especially after 1914, when Canada gradually took over responsibility for such matters as treaty making.

The history of Canada's parliamentary and federal system has been a long and, in many ways, a very remarkable one. Self-government has come in Canada by evolution not revolution,—by development within the British Empire and Commonwealth, not by separation—and Canada's experience is thus unique in the American hemisphere, since she is the only one of its twenty-two countries to gain nationhood in this way.

Canada's Written and Unwritten Constitution. When people in the United States speak of their constitution, they mean the written document which has been in force since 1789 and which describes the machinery and purposes of American government. This constitution is not like an ordinary law. It cannot be changed by the national government, but can only be amended by a special process. The American constitution is, therefore, always called a "written" constitution, in spite of the fact that there are many practices in the government of the United States which are not described in it. When, on the other hand, the people of the United Kingdom speak of their constitution, they mean not a written document but all the practices and traditions of their parliamentary system. Much of this constitution is, of course, written down in laws such as the Bill of Rights, the Reform Bills, and others. Nevertheless, the British constitution is always said to be "unwritten" because there is no single document which, like the constitution in the United States, is superior to all other laws in the country. The

British Parliament can change any law of the United Kingdom at any time.

In Canada the word constitution is used in both ways. This is because the *federal* part of Canada's federal-and-parliamentary system is carefully described in a written document, the British North America Act which was passed in 1867 by the British Parliament and can only be changed by special amendment; while the *parliamentary* part, like the English constitution, is to be found in various laws and customs which are not described in the British North America Act,* and many of which go back before 1867. The result of this difference between the federal and parliamentary parts is that the British North America Act is sometimes called the Canadian constitution, while at other times the word constitution is used to mean the entire system of Canadian government, both written and unwritten. Perhaps it does not matter greatly how the word is used, provided people make clear exactly what they mean by it.

The British North America Act and the Canadian Parliament. In its opening sentences the British North America Act stated that, since four provinces had expressed the desire to be "federally united into one Dominion under the Crown," it was desirable to provide a government for them, and also for other parts of British North America which might later be admitted into the union. Following this statement of purposes the Act goes on with no fewer than 147 clauses or sections, running to some 25 or 30 pages of ordinary size. Among the important topics with which they deal are the form of the new Dominion government; the form of the new governments for Ontario and Quebec, which had been joined since 1841 in the united province of Canada; the division of powers between the Dominion and provincial governments; and questions of money and taxation.

According to the Act, the new Canadian Parliament was to have two Houses, Senate and House of Commons. In the House of Commons each province was given representation according to

* The Act merely said at the beginning that Canada should have "a Constitution similar in principle to that of the United Kingdom." In that single line, said Edward Blake the Liberal leader, a few years later, there was imported into the Canadian system "That mighty and complex and somewhat indefinite aggregate called the British constitution."

its population, the method being that Quebec is always to have 65 representatives; and each other province is given a number in the same proportion to its population as the number 65 bears to the population of Quebec. Under this arrangement there were 181 members in the House of Commons in the first Dominion Parliament, as compared with 245 in the Parliament elected in 1940.* In 1915 an amendment to the Act provided that no province should have fewer members in the House of Commons than in the Senate, and as a result, Prince Edward Island has four members in the House of Commons, which is more than its population would give it.

Representation in the Senate is not arranged according to the population of the provinces, but with the idea of giving some equality to the different sections of the country. In 1867 Quebec was given 24 Senators, Ontario 24, and Nova Scotia and New Brunswick 12 each—a total of 72. As other provinces came in, Senators were added until finally in 1915 the number was increased to 96. The representation by provinces in the Senate and House of Commons at present is as follows:

| | Senate | House of Commons |
|--------------------|----------|------------------|
| Ontario | 24 | 82 |
| Quebec | 24 | 65 |
| Maritime Provinces | 24 | |
| Nova Scotia | 10 | 12 |
| New Brunswick | 10 | 10 |
| P.E.I. | 4 | 4 |
| Western Provinces | 24 | |
| Manitoba | 6 | 17 |
| Saskatchewan | 6 | 21 |
| Alberta | 6 | 17 |
| British Columbia | 6 | 16 |
| Yukon | | 1 |
| | <hr/> 96 | <hr/> 245 |

While members of the House of Commons are elected, Senators are appointed for life by the Governor-General, which means that they are chosen in practice by the Prime Minister. Senators must be residents of the province for which they are appointed, must be

* The redistribution after the 1941 Census was postponed for the duration of the war. This required an amendment of the British North America Act, which was made by the British Parliament at the request of the Canadian Parliament.

at least thirty-five years of age, and owners of real property to the value of \$4,000. These rules do not apply to the House of Commons. Members of both Houses receive \$4,000 for each session of more than 65 days, and free railway transportation to and from their constituencies.

Theoretically the Senate and House of Commons are equal in importance, except that the British North America Act provided that all bills for levying or spending taxes must originate in the House of Commons. Actually, however, the House of Commons is much the more important, and in practice all bills of general importance are first introduced and passed there. The Senate may refuse to pass bills passed by the House of Commons, and altogether nearly one hundred and fifty bills have been so rejected. The Senate thus acts as a check on the House of Commons. Whether this is desirable or wise has been much debated, and at various times proposals for a "reform" of the Senate have been put forward. Among the provinces only Quebec has an upper House.

The British North America Act and the Relation Between the Dominion and the Provinces. The most difficult and important problem in a federal system is how to divide power between the national and provincial governments in such a way that each will have its own rights and authority, but that all will work together in the general interest. No written law can provide a perfect solution for this problem, because everything depends finally on whether people are willing and determined to co-operate with one another. Nevertheless, the written law can do a great deal, and the British North America Act attempted to solve the difficulty in several ways which we shall now describe. The methods are not, however, mentioned in order of their importance.

(1) *The Lieutenant-Governor.* The Act provided that Lieutenant-Governors should be appointed and paid by the Dominion government, and provinces were forbidden to interfere with the "Office of Lieutenant-Governor" even though they might change any other part of their system of government as they pleased. It was felt that the Lieutenant-Governors might provide a link between the national and provincial governments; and, although in

this respect the link has rarely had much practical importance, it should not be overlooked.

(2) *Disallowance of Provincial Acts.* The Dominion government was also given the power to disallow provincial laws, that is, to declare them void; it being understood that this would only be done where a provincial law was contrary to the interests of the country or clashed with Dominion law. From 1867 to 1924 disallowance was used in one hundred cases; but since then it has been used only in the case of one province, Alberta, in the years 1937-40, when eight Acts passed by the Social Credit government of the province were set aside.

Disallowance is almost certain to create a good deal of ill-will and so is not a very satisfactory way of controlling the relations of Dominion and provincial governments. It is, therefore, not likely to be used frequently.

(3) *The Judges and the Criminal Law.* The British North America Act provided that there should be one system of criminal law for the whole of Canada, and that the Dominion should appoint and pay the judges in all but the lowest courts. Each province determines what courts it will have, and each province has its own civil law, but since the judges who sit in the courts are all appointed by the Dominion and since the criminal law is the same throughout the country, there is a unity in the judicial system which is very important. In the United States there is a national system of courts throughout the country, and in addition there are forty-eight state systems, each with its own set of judges.

(4) *Special Provisions regarding Education and Language.* Education, which was a matter of special concern, was placed under provincial control, although the Act provided protection for religious groups who had separate schools. To French Canadians the protection of their language in Quebec was also a matter of particular concern. Section 133 of the Act therefore provided that English or French might be used in the debates of the Dominion Parliament or of the Quebec legislature; that both languages should be used in the journals and records of those Houses; and that either language might be used in the courts of Quebec or in any court of

The British North America Act, 1867

Section 91

Legislative Authority of Parliament of Canada 91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order, and good government of Canada in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

1. The Public Debt and Property:
2. The regulation of Trade and Commerce:
3. The raising of money by any mode or system of Taxation:
4. The borrowing of money on the Public Credit:
5. Postal Service:
6. The Census and Statistics:
7. Militia, Military and Naval Service, and Defence:
8. The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada:
9. Beacons, Buoys, Lighthouses and Sable Island:
10. Navigation and Shipping:
11. Quarantine and the establishment and maintenance of Marine Hospitals:
12. Sea Coast and Inland Fisheries:
13. Ferries between a Province and any British or Foreign country, or between two Provinces:
14. Currency and Coinage:
15. Banking, Incorporation of Banks, and the issue of Paper Money:
16. Savings Banks:
17. Weights and Measures:
18. Bills of Exchange and Promissory Notes:
19. Interest:
20. Legal Tender:
21. Bankruptcy and Insolvency:
22. Patents of Invention and Discovery:
23. Copyrights:
24. Indians and Lands reserved for the Indians:
25. Naturalization and Aliens:
26. Marriage and Divorce:
27. The Criminal Law, except the Constitution of the Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters:
28. The establishment, maintenance, and management of Penitentiaries:
29. Such Classes of Subjects as are expressly excepted in the enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any matter coming within any of the Classes of Subjects enumerated in this section shall not be deemed to come within the Class of matters of a local or private nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

The British North America Act, 1867

Section 92

Subjects of exclusive Provincial Legislation 92. In each Province the Legislature may exclusively make laws in relation to matters coming within the Classes of Subjects next hereinafter enumerated; that is to say:—

1. The amendment from time to time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the Office of Lieutenant-Governor:
2. Direct Taxation within the Province in order to the raising of a Revenue for Provincial Purposes:
3. The borrowing of money on the sole credit of the Province:
4. The establishment and tenure of Provincial Offices, and the appointment and payment of Provincial Officers:
5. The management and sale of the Public Lands belonging to the Province, and of the timber and wood thereon:
6. The establishment, maintenance, and management of public and reformatory prisons in and for the Province:
7. The establishment, maintenance, and management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Provinces, other than Marine Hospitals:
8. Municipal Institutions in the Province:
9. Shop, Saloon, Tavern, Auctioneer, and other Licenses, in order to the raising of a Revenue for Provincial, Local, or Municipal purposes:
10. Local works and undertakings, other than such as are of the following classes:
 - (a) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province:
 - (b) Lines of Steam Ships between the Province and any British or Foreign Country:
 - (c) Such works as, although wholly situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the Provinces:
11. The Incorporation of Companies with Provincial Objects:
12. The Solemnization of Marriage in the Province:
13. Property and civil rights in the Province:
14. The Administration of Justice in the Province, including the constitution, maintenance, and organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including procedure in civil matters in those Courts:
15. The imposition of punishment by fine, penalty, or imprisonment for enforcing any Law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this Section:
16. Generally all matters of a merely local or private nature in the Province.

Canada established under the British North America Act. Such a court is the Supreme Court of Canada which sits at Ottawa.

(5) *The Division of Powers between the Dominion and Provincial Governments.* The most important way in which the British North America Act attempts to settle the relations between the Dominion and provincial governments is by dividing the powers of government between them. This is done in sections 91 and 92 of the Act, which are quoted on pages 62-63. Section 91 defines the powers of the Dominion, 92 those of the provinces.

It will be noticed that at the beginning of Section 91 the Dominion government is given a general power to make laws for the "Peace, Order, and Good Government of Canada" on all matters not put exclusively under the provinces. Then there follows a list of subjects put exclusively under the national government. Some of these, such as (2) trade, (3) taxation, and (7) defence, are, of course, much more important than others, and in these matters, as well as in most of the others, the national government is given complete power. The power of taxation, for instance, is not limited as is the taxing power given to the provinces in clause 2 of section 92.

Section 92 contains the list of matters placed exclusively under the provincial legislatures. Unlike the national government, the provinces are not given any general power with regard to "Peace, Order, and Good Government." Their powers, as clause 16 states, have to do with particular matters of provincial and private concern. In a number of these matters, moreover, the provincial power is limited as, for instance, in clause 10. In two cases, agriculture and immigration, which are dealt with separately in section 95, the Dominion and provincial governments are both given power, but it is made clear that, if there is any conflict between Dominion and provincial laws on these subjects, the Dominion law is superior.

The conclusion, then, seems to be (1) that control was given to the Dominion government over matters of national concern, and to the provincial governments over matters of local and private concern; (2) that in some cases like immigration power was given to both; but (3) that in cases of uncertainty the powers of the

Dominion were intended to be wide and ample, while those of the provinces were definitely limited.

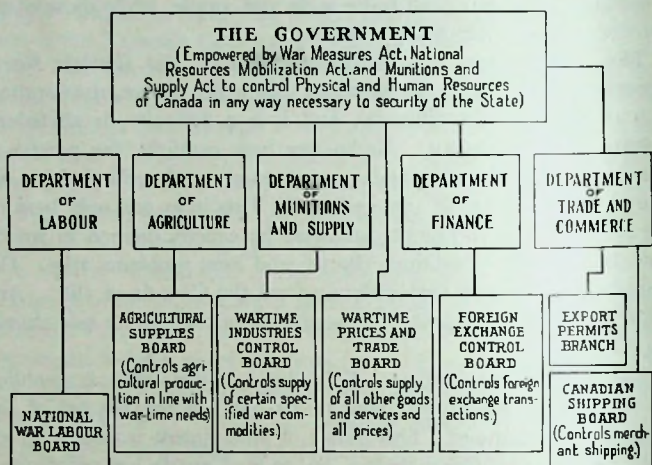
The Amendment and Interpretation of the British North America Act. The last sentence, given just above, draws attention to the greatest difficulty, and it is a difficulty in all federal systems of government. No matter how carefully the powers of the national and provincial governments are described there are bound to be "cases of uncertainty." This is so not only because the powers of government can never be exactly defined in words, but also because conditions change and new problems arise. The Canada we live in is very different from the Canada of 1867. Any written constitution must be *amended* or *interpreted* to suit changing conditions.

The British North America Act, being a British statute is amended by the British Parliament which acts only on the request of the Canadian Parliament. This power of amendment would be given up at any time by Great Britain, but so far Canada has not decided on any other method which would be satisfactory to all the provinces.

The Act has been amended in details several times, but sections 91 and 92 have been amended only once, when "Unemployment Insurance" was added to section 91 in 1940. The *interpretation* of these two sections has, therefore, been much more important than their amendment. This interpretation has been made by the highest courts before which Canadian law cases can come—the Supreme Court of Canada, and the Judicial Committee of the British Privy Council*—and since 1867 there have been a number of these important cases.

It is necessary to mention only two examples of interpretation by the courts. (1) The power of the Dominion government "to make laws for the Peace, Order, and Good Government of Canada" has in almost all cases been interpreted very narrowly so as to mean almost nothing in times of peace. The power over such matters as trade and commerce has also been narrowly interpreted. In time of war, however, the courts have said that there was a national

* These courts are dealt with in Chapter VI.



(Dominion Bureau of Statistics)

CANADA'S WARTIME ECONOMIC CONTROLS

This chart shows the principal boards which were created by the Dominion government up to the end of 1942, and indicates the departments to which they were made responsible.

emergency during which the Dominion government could do almost anything under its power to provide for "peace, order, and good government." (2) The second example is section 92, clause 13, which gives provincial governments control over "Property and Civil Rights in the Province." In this case the courts have interpreted the phrase very widely, with the result that the power of the Dominion government to pass peacetime laws dealing with social and economic problems has been very severely restricted. This was shown when five out of eight such Acts passed in 1934 were declared *ultra vires*, that is, beyond the power of the Dominion government. Among the subjects dealt with by these Acts were the marketing of natural products, minimum wages, and unemployment insurance. Following the ruling of the court, the provincial governments agreed to an amendment with regard to the last men-

tioned, and as a result unemployment insurance came into effect on July 1, 1941.

Results of the Interpretation of the British North America Act. Some very important results have flowed from these interpretations of the British North America Act. One, which already has been mentioned, is that Canada may almost be said to have two constitutions, one in war and one in peace, since the Dominion government may control in war many things which the courts have said come in peace within the provincial control over property and civil rights. This is illustrated by the chart showing the "Principal Wartime Economic Controls." These go much farther than the Acts of 1934, which were declared *ultra vires*, would have done.

A second result is that in peace time, while the Dominion can raise money in any way it pleases, it cannot spend money on matters which have been declared by the courts to be provincial. The provinces, on the other hand, are limited in raising money, but their responsibilities in matters like public health and welfare have increased enormously since 1867. In other words the Dominion may have the money but it has not the power to act in these matters, while the provinces have the responsibility but may not have the money. What to do about this problem was a principal reason for appointing the Rowell-Sirois Royal Commission in 1937. Its recommendations were not put into effect, and with the outbreak of war in 1939 the question ceased to be pressing until the return of peace.

A third result is that the Canadian government cannot make treaties touching matters like labour conditions which have been declared under provincial control, without the unanimous consent of the provinces. This prevented Canada from ratifying certain international agreements before 1939, and may again be a serious handicap in Canada's conduct of her international affairs.

Canada's federal difficulties are thus very real. Canadians, however, should not make the mistake of thinking that Canada is the only country with such difficulties or that they are insoluble. Something may be done by amendment of the British North America Act. A great deal also may be done by co-operation between the

Dominion and provinces and among the provinces themselves. There are already examples of such co-operation, but it could go much further in a large number of matters which have to do with the general welfare. In any case, we may be sure that without co-operation no amount of tinkering with the machinery of government will effect a cure.

Chapter VI

The Rule of Law

TO VISIT a courtroom and follow the course of a trial is one of the most interesting of all possible lessons in citizenship.

The writer vividly remembers such an experience when he was a High School student. The accused, a Chinese laundryman in a Western town, was charged with murdering a white boy by striking him on the head with an iron. The defending attorney was the most eminent lawyer in the province. When the jury was completed, the calling-up and cross-examination of witnesses began. No one had seen the boy killed, but the circumstances were exactly described—the room, the precise location of the ironing table, the stove, etc. Photographs were produced in court, also the iron. Toward the end witnesses were called by the defence who testified that the Chinaman and the boy were friends, that the boy often went into the shop, that they had never been known to quarrel, and that the accused was a peaceful and law-abiding person. Finally he went into the witness box himself, although he was under no obligation to do so. Through an interpreter he told his story, which was that the boy had come into the shop without his knowing it, and that, turning quickly to put an iron back on the stove, he had struck him on the temple.

The prosecuting and defending lawyers then addressed the jury, each going especially over the evidence which favoured his side. Then the judge spoke to the jury, again going over the arguments pro and con, and instructing them that it was their duty to decide questions of fact, the principal one in this case being—was the blow intentional or accidental? The jury retired, and after an hour came back to announce as its verdict, "Not guilty."

The Rights of the Individual Before the Law. This case illustrated, as others also would, at least some of the rights of the individual before the law in Canada—rights which have been built up through centuries of British and Canadian practice. At bottom there are two, the right to a fair trial and the right of the accused to be considered innocent until proved guilty. Added to these are many safeguards, in the trial itself and before it takes place.

By the rules of evidence and cross-examination, for instance, the accused cannot be forced to testify against himself, nor a husband or wife against each other. Evidence of the bad character or previous criminal record of the accused is not allowed, unless he has first brought in evidence to prove good character. This is because the accused is being tried only on the matter with which he is charged. If he is proved guilty, however, evidence as to his previous character may be brought in to help determine the severity of the sentence. Hearsay and rumour are not allowed as evidence. A witness cannot say that he was told so-and-so by someone else. Moreover, if the accused has made a confession before the trial, he cannot be convicted on this alone unless the prosecutor can prove that the confession was free and voluntary. This is meant to discourage the use of force or "third degree" methods as they are often called, in obtaining confessions at the time of arrest. The temptation of the police to use unreasonable force in dealing with hardened criminals is very great, but such practices are a first step toward more extreme methods such as the use of torture, which has been expressly forbidden for a very long time under British law.

There are many other safeguards for the individual in addition to those in the rules of evidence. If the accused has no lawyer, the court arranges for one unless he prefers to conduct his own trial. If he is kept in prison an unreasonable time or without a charge being stated, he may apply for a writ of Habeas Corpus. Jury trial is also a safeguard. The accused has the right to trial by a jury of people from his own locality; or, if he thinks they may be prejudiced against him, to a jury from elsewhere. The names of the jury cannot be published, nor may they receive any communication during the trial. It is the duty of the jury to determine questions



(from the painting by Norman Rockwell)

FREEDOM FROM FEAR

of fact, and of the judge to determine questions of law. The trial is thus a combination of the expert and the ordinary citizen. The judge is expected to instruct the jury as to what points they must decide, and he may even give them his opinion with regard to the

value of the evidence. If, however, he shows partiality for one side or the other he will give ground for an appeal. A convicted person has not only the right to appeal for a new trial, if he feels he has been tried unfairly, but also the right to ask for pardon. These requests go to the Crown, one of whose oldest rights is the right of pardon, that is, to the "Governor-in-Council," which means that they are settled by the Minister of Justice.

Another means of ensuring fair trial is that trials are open to the public, and may be reported in the press. A trial behind locked doors is not justified except for some unusual reason such as the protection of vitally secret information. Newspapers, too, may not comment on the way the trial is conducted until it is over, since there must be no interference with the independence of the courts.

The citizen has, moreover, safeguards which come into effect before he is accused of crime. He may not be arrested without evidence or without knowing the charge brought against him. When arrested, he must not be forced in any way to make a statement; and, if he wishes to make a statement, he must be told that he need not do so, but that if he does, what he says may be taken down in writing and used as evidence against him. Nor may his house or property be searched unless the police have a search warrant, which he may demand to see, and which must specify the place to be searched, and what is being looked for.

The citizen under British and Canadian law has, in other words, the right to be regarded as a "free and lawful man" unless it has been proved that he is not. Only in time of war, as has already been explained in Chapter II, is any modification of these principles justified, and that only in as few cases as necessary.

We may realize what these safeguards mean if we understand what has taken place in totalitarian countries. There, secret police may arrest anyone without stated cause, may break into, search, and seize property without a warrant, and may disregard every private right without a word of explanation, or without any possibility of appeal to the courts. What is worse, the accused may disappear without relatives or friends knowing why he has been

THE RULE OF LAW

73

WARRANT TO SEARCH

(Code Form 2, Section 630)

NOTE—Follow wording of information as nearly as may be

CANADA,
PROVINCE OF ONTARIO,
COUNTY OF YORK,
CITY OF TORONTO

To all or any of the Provincial Police in the Province of Ontario, and to all
or any Peace Officers and Constables in the said Province.

To Wit:

Whereas it appears on the oath of Thomas Jones
of the City of Toronto in the County
of York
that there are reasonable grounds for believing that certain books, documents, letters,
and papers

which are being sought on the ground that they will afford evidence that Richard Roe

on the 3rd day of December in the year 1944
at the City of Toronto in the County of York
did obtain by false pretences with intent to defraud from A.B.
the sum of one hundred dollars in money

contrary to the provisions of section 405 of the Criminal Code
etc in the premises occupied by the said Richard Roe at No. 10 Blank Street

in the City of Toronto in the County of York.

It is therefore to authorize and require you between the hours of eight o'clock in the
forenoon and nine o'clock in the afternoon
to enter into the said premises, and to search for the said things, and to bring the same before me or some other
Justice,

Dated this 2nd day of January in the year 1945

sgd
Magistrate
in and for the Province of Ontario

arrested or where he has been taken. In such a situation the very basis of democratic government is undermined.

Criminal and Civil Cases. We have been speaking so far of criminal cases. A criminal case is one in which the person is accused of committing an act great or small (from murder to petty theft, for instance) which may or may not involve harm to another person, but which does break the laws made for the protection of the whole community. These laws, to use the ancient phrase, are the King's law, and anyone who breaks them is therefore prosecuted by the Crown in the name of the King. This is why a criminal case is described as *Rex vs. the accused*. A civil case, on the other hand, is one involving a dispute between individuals or associations, such as companies, trade unions, etc., in which one of the parties sues the other for damages or redress.

Suppose, for instance, that a storekeeper believes that one of his clerks has stolen money from him, which the clerk denies. The employer may go to the local court and lay information against the clerk, i.e., describe what he thinks has been done. The magistrate issues a warrant, and the police with this authority arrest the clerk, who is brought up for trial on a criminal charge. He is prosecuted in the King's name, and the prosecuting lawyer is the Crown Attorney, who is employed by the government. Suppose, however, that the storekeeper sells an article to a customer and that a deadlock arises over completing payment for it—the customer claiming that the article was defective and the storekeeper demanding his money. Either may now go to a lawyer who may file a claim in court against the other party, and a civil case is begun in which each party has his own lawyer.

The Independence and Dignity of the Courts. Whether the cases be criminal or civil it is of the utmost importance that the dignity and independence of the courts be maintained. If a general impression were to arise that the courts were merely the tool of a single party, or that individuals, groups, or classes of people could not get justice in them, we should be on the first step toward mob rule or dictatorship—toward rule by force and not rule by law.

In modern Britain, the government and people have been particularly sensitive about the independence and dignity of the courts, and in this matter Canada has tended to follow British example. Judges are appointed for life by the Governor-General-in-Council, and can only be removed for some act of gross misconduct, and by a resolution passed by both the Senate and House of Commons. Judges must not take part in politics and are not allowed to vote. The position of judge is regarded by the public and the legal profession as one of honour and responsibility.

A judge is in complete charge of the conduct of the court, and in Canada judges take care to see that proceedings are carried on with dignity and good order. "Contempt of court" is a serious matter and covers a wide range of offences, such as creating a disturbance in court, misreporting a trial, or defying the order of the judge on some point of conduct. No picture of a trial or of a court in session appears in this book, for instance, because the taking of such pictures is not allowed in Canada. This is but one illustration of the effort which is made to avoid sensationalism in court proceedings and to preserve a calm and judicial atmosphere.

The Rule of Law in a Democracy. We can now see more clearly what is meant by the phrase "The Rule of Law." It means, above all, that the government itself is not above law, that it respects the independence of the courts, and the safeguards of the citizen's liberties. In a dictatorship the exact opposite is true. Hitler announced in Germany "the law is what the Führer decrees." The government and its secret police were therefore above the written law, and the courts were forced to put into effect whatever the government might order to suit its purposes at any moment. Under such a system there is an end of liberty and safeguards, the Gestapo becomes an unchecked instrument of terror, and the courts are powerless to give the citizen protection. For the citizen who is accused by the government there is no jury, no public trial, and no right of appeal. The rules of evidence are what the police say they are. Suspicion and the word of an informer are sufficient for conviction.

The rule of law and the parliamentary system have been well called the two pillars of freedom, and their fundamental importance is recognized in the coronation oath which is taken by the King as representing the powers of the Crown.

1. Will you solemnly promise and swear to govern . . . according to the Statutes in Parliament agreed on and the respective Laws and Customs of the Same?

I solemnly promise so to do.

2. Will you to your power cause Law and Justice, in Mercy, to be executed in all your judgments?

I will.

The position of the army and the military authorities is a striking illustration of the rule of law in the British and Canadian system. Except in combat areas in wartime, or in some extraordinary emergency in peace when martial law is temporarily declared, the man in uniform is subject not only to military discipline but to the law of the land. For breaches of military discipline he is tried according to military law, but for other offences he is subject to the civil, that is the ordinary, courts. Nor can he plead, if he breaks the law, that he was obeying the orders of a superior officer. This may put him in an extremely difficult position. For instance, if a soldier were ordered, while guarding a certain property, to fire on a mob, and in doing so killed someone, he would be tried for murder in a civil court. The fact that he was ordered to fire would be an argument in his favour, but it would not relieve him of responsibility if the jury decided that the firing was not justified. There was a famous case of this kind in 1770 just before the American Revolution when British soldiers who had fired on a Boston mob were put on trial before a Boston court and jury, and acquitted.

The soldier under British law does not cease to be a citizen. Putting on a uniform does not free him from responsibility. On the contrary, it puts him under a double responsibility. The opposite is true in countries where the rule of law does not prevail. There the soldier has no obligation but to obey his superior. He is freed from every other responsibility. The army is thus a law unto

itself, it is placed above the law, and it becomes part of the uncontrolled power of a government which rests on force.

The Canadian System of Laws and Courts. In the last chapter it was pointed out that under the British North America Act Canada has a common system of criminal law for the whole country. It is true that the provinces, under the powers given to them, can also make laws the breaking of which is punishable by fines and imprisonment, and that under the provinces the municipalities can do the same. Traffic laws are an example. But such laws are not regarded as part of the criminal law proper. They are, rather, regulations to suit local conditions.

Civil laws which have to do with property holding, business relations, and many similar matters, are mostly provincial, and vary somewhat from province to province. The greatest variation is, of course, between Quebec and the other eight provinces. The French civil law which was confirmed in the province by the Quebec Act of 1774 differs in many ways from that of the other provinces on questions such as inheriting property. The procedure of civil trials also differs, jury trials, for instance, being used less than in the other provinces.

One other point with regard to Canadian laws needs a word of explanation, the difference between common and statute law. In the early days of English history, before there was a Parliament, the laws were mostly the customs handed down from generation to generation. This common law, as it was called, was preserved and interpreted according to changing needs by lawyers and judges in the common law courts. The decisions of these courts became "precedents," and as time passed the common law was thus organized and strengthened. With the establishment of Parliament, however, new laws were made, and old laws were changed by Act or statute. Thus, as more and more law was written in Acts, statute law encroached on common law. Nevertheless, the common law continued; and in the seventeenth century it was one of the chief bulwarks against the development of a despotic Stuart monarchy. Only in England did such common law survive. Elsewhere in Western Europe common law was replaced by government-made

THE CANADIAN SYSTEM OF COURTS

1. Judicial Committee of the Privy Council.

This is the highest tribunal in the Commonwealth and Empire. Appeals to it from Canada are brought generally in cases which require the interpretation of the British North America Act, or in cases which involve either large sums of money or questions of a general and public nature affecting future rights.

2. Supreme Court of Canada.

This court sits in Ottawa three times yearly, in February, April, and October. It is a court of appeal from all other courts in Canada, and hears cases between the Dominion and provinces. When requested by the federal government, it gives "advisory" opinions on the interpretation of the British North America Act.

3. Exchequer Court.

This court hears cases of claims brought against the Crown, and also cases involving patents, trade marks, etc.

4. Admiralty Court.

This court hears cases involving navigation, ships, claims for damages at sea, etc.

The remaining courts are those in the Province of Ontario.

There are slight variations in other provinces.

5. Supreme Court of Ontario.

- (a) Court of Appeal. This court hears appeals from other Ontario courts and from (b).
- (b) High Court of Justice. The justices of the High Court hold assizes at least twice a year in each county for the trial of important cases both criminal and civil.

6. County courts.

These courts try lesser cases, both civil and criminal, such as claims for damages involving limited sums of money (usually \$500 or less).

7. Surrogate courts.

The probate of wills, the administration of estates, etc. are dealt with by these courts.

8. Special courts.

These deal with bankruptcy cases, disputes over assessments or taxation, cases involving corruption or improper procedure in elections, etc.

9. Division courts.

A county is divided into areas within which these courts have jurisdiction. They hear only civil cases involving small debts or claims, in which, as a rule, less than \$200 is involved.

10. Magistrates' courts.

These try persons accused of petty offences, such as small thefts, traffic violations, etc. They also give a preliminary hearing to persons accused of major crimes, and if there is sufficient evidence, send them for trial to a higher court.

11. Coroners' courts.

These conduct "inquests" to investigate cases of death where the cause or the responsibility is uncertain.

12. Administrative boards.

These include the Board of Transportation Commissioners, the Wartime Prices and Trade Board, the Workmen's Compensation Board, etc. They are not courts, properly speaking, but have power to settle a wide range of cases having to do with their spheres of authority.

13. Boards of arbitration.

These attempt to reach settlements by compromise and arbitration, and their decision may by agreement exclude any reference or appeal to the ordinary courts.

14. Military courts and boards of inquiry.

These are conducted by the military authorities and deal with cases involving breaches of army discipline.

15. Juvenile courts.

When these courts are set up they have a special jurisdiction under Dominion Statute (The Juvenile Delinquents Act) and Provincial Statute (The Juvenile Courts Act).

law which tended to glorify the power of the state. From England the common law spread to the rest of the English-speaking world including Canada, and in these common law countries, as they are sometimes called, the common law is an important part of the background of democratic government.

The Canadian system of courts is a network of at least fourteen kinds of courts covering the whole country and dealing with many different kinds of cases. It is impossible to give an adequate description of all these courts within the limits of this book, but the table printed on pages 78-9 will give at least a suggestion. The system can be said to resemble a pyramid, with the Judicial Committee of the Privy Council and the Supreme Court of Canada at the top and the many Division and Magistrates' or Police Courts at the base. In addition to these there are a number of special courts, and also boards of various kinds which are not courts proper but do a very important work in deciding disputes or trying to bring about settlements. These special boards have increased in recent years, a tendency which has sometimes been criticized on the ground that governments will weaken the regular courts by setting up too many special courts. Among the most useful of the special lower courts are the Juvenile Courts established in certain cities to deal with children who have got into trouble but who may be saved by careful treatment from becoming criminals.

The Judicial Committee of the Privy Council is the only one of the pyramid of courts which is not strictly Canadian. Appeals to it could be ended at any time the Canadian government desired, and the question of doing so has been frequently discussed. The Judicial Committee hears only a limited number of important cases.

How Can Respect For Law Be Encouraged? A Canadian public man speaking in the autumn of 1944 stated that in the last quarter-century convictions for serious offences in Canada had increased 300 per cent. Britain with nearly four times Canada's population had only about the same number. In 1935 the number of serious offences in Canada per 100,000 of population was 357, in 1940 it was 457. In 1911 the number of adolescents convicted

of some offence was 238 per 100,000 population. In 1937 it had risen to 708, and in 1940 to 850. Canada, is, on the whole, a law-abiding country, but these are disturbing facts. What is the reason, and what is the remedy, for so much law breaking?

Defects in the laws themselves and in their enforcement are among the causes of law breaking. Too many and too severe laws will in the long run defeat themselves. Even a Hitler cannot enforce laws against general opposition or indifference. In a democracy, where people will not put themselves into the clutches of a Gestapo, such laws will defeat themselves much more quickly. On the other hand, laws must not be weak. They must be strong enough to be respected, and they must be amended wisely to meet new conditions.

Defects in enforcement can be as serious as defects in the law. If enforcement is weak it encourages crime, but if it is unfair and unreasonable it will arouse opposition. If court sentences are too light or too heavy, or if they appear to favour certain individuals or groups, respect for law is undermined. The courts and police must themselves respect the law, if they expect others to do so. Corruption



(Peter A. Juley and Sons)

THE SPIRIT OF JUSTICE

The essential qualities of justice, such as wisdom, impartiality, and power, have been skilfully symbolized in this painting.

and Gestapo methods would soon destroy respect for law. The courts and the police thus have a duty of the highest public importance, and of very great difficulty, which demands constant co-operation between them and the public.

Without doubt, Canadian laws and their enforcement have defects which could and should be remedied. There are at times examples of injustice, of weak or inadequate laws, and of lax or unreasonable enforcement. The jury system has, for instance, been criticized on the ground that juries are sometimes prejudiced, or ignorant, or that their decisions are inconsistent with the evidence. The penitentiary and jail system has similarly been criticized on the ground that it makes men into hardened criminals, and does too little to turn those who could be reformed into law-abiding and self-supporting citizens. The law cannot be perfect; but, whatever the justice of such criticisms, there is certainly room in these and other matters for improvement.

Such defects are by no means, however, the only causes of law-breaking in Canada. Poverty, ignorance, the lack of useful employment, the lack of healthful recreation, all play a part in encouraging law-breaking. Poverty and ignorance are not always causes of crime in individuals, but it has been often shown that crime is likely to be higher in places where poverty and ignorance are rife. Similarly, lack of useful employment and lack of healthful recreation breed crime. Nature, it is said, abhors a vacuum, and human nature does the same. If people, especially young people, do not have an opportunity to occupy their minds and their time with healthful activities, we can be sure that they will turn to other interests. Many a criminal has started as a boy with petty offences because he had nothing better to do than get into mischief. Any community which fails to provide useful employment and healthy recreation is directly encouraging the increase of law-breaking.

Worst of all in undermining respect for law is the lack of a feeling of responsibility on the part of many citizens. The law in a democracy must mean something made by the people themselves. It is not imposed from above, it comes from the people, and the only way to encourage respect for it is to have people feel that unless they sup-

port it they cannot preserve it. If people break the law even thoughtlessly when it suits their convenience, they cannot expect others to respect it. "Don't tell your boy to put down that trash and read Dickens unless you like Dickens yourself," a group of parents were told. It was a commonsense remark, and equally true of the law. The old adage says, "An ounce of prevention is worth a pound of cure," to which we should also add, "An ounce of example is worth a pound of advice."

Chapter VII

Local Government

SO FAR we have scarcely mentioned the governing bodies of cities, towns, townships, and other municipalities. In 1942 they numbered no less than 3900,* and ninety-three per cent of Canada's population lived within their boundaries, most of the other seven per cent being scattered in areas too thinly populated to have municipal government. At first sight the whole picture of municipal government in Canada looks rather confusing. Because each province manages its own municipal affairs, there are many differences between various parts of the country. Actually, however, the picture is less confusing than it appears. There are really only two kinds of municipalities, the urban and the rural. The urban are the cities, towns, and villages; the rural are larger areas where population is more scattered. One of the reasons for the apparent confusion is that rural municipalities go by different names in different provinces. In Nova Scotia they are called municipalities; in New Brunswick, counties and parishes; in Quebec counties, town-

* The *Canada Year Book* classifies the Canadian municipalities for 1942 as follows:

| | Cities | Towns | Villages | Rural | Total |
|----------------------|--------|-------|----------|-------|-------|
| Prince Edward Island | 1 | 7 | — | — | 8 |
| Nova Scotia | 2 | 43 | — | 24 | 69 |
| New Brunswick | 3 | 20 | 2 | 15 | 40 |
| Quebec | 26 | 112 | 312 | 1056 | 1506 |
| Ontario | 27 | 148 | 156 | 571 | 902 |
| Manitoba | 4 | 31 | 23 | 116 | 174 |
| Saskatchewan | 8 | 82 | 389 | 302 | 781 |
| Alberta | 7 | 52 | 145 | 133 | 337 |
| British Columbia | 33 | — | 22 | 28 | 83 |
| Total: | 111 | 495 | 1049 | 2245 | 3900 |

This does not include the 76 counties of Quebec and the 38 counties of Ontario whose councils are not directly elected. In Prince Edward Island there are no rural municipal governments.

ships and parishes; in Ontario, counties and townships; in Manitoba and Saskatchewan, rural municipalities; in Alberta, municipal districts; and in British Columbia, districts.

The Responsibilities of Municipal Governments. From any point of view, municipal governments are important. On page 96 there is a group of charts showing the revenues and expenditures of the Dominion, provincial, and municipal governments in 1939. It will be seen that municipal governments in that year both collected and spent more money than the provincial governments. There are several cities in Canada whose expenditures are actually larger than those of the provinces in which they are located. These facts do not mean that municipal governments are more important than provincial governments; but they do mean that municipal governments have an essential and very large part to play in the work of governing the country.

There is another test of the importance of municipal governments which any one may try for himself, and that is to think of the many ways in which municipal governments touch our daily lives. Even in the rural districts, where their responsibilities are fewer, they have to do with schools, roads and bridges, many matters dealing with health, policing, and so forth. In the cities their activities and responsibilities seem almost endless: schools, roads, sidewalks, water, light, fire protection, policing, street cleaning, sewage, garbage collection, regulations with regard to the size and construction of buildings, the licensing of businesses, the control of traffic, the inspection of milk and food, precautions against disease, other health regulations, hospitals, parks, playgrounds, libraries, and so on. In fact, it seems that almost everything which has to do with the safety, convenience, health, conduct, recreation, and education of the public is controlled or affected in some way by municipal governments.

The Modern Development of Municipal Government. Municipal government as we know it, however, is a comparatively modern development even in countries like England. It is true that its origins go back a very long way; the shires with their sheriffs or "shire reeves" go back, for example, into Anglo-Saxon times before the Norman Conquest. But in England, municipal govern-

ments were put on their modern basis only with the Municipal Reform Act of 1835. Until almost that time people did not even begin to think about many improvements which we now consider to be essential. Sanitation, sewage and garbage disposal, and the importance of a pure water supply were things about which people were blissfully ignorant or indifferent. The world of germs was as unknown as America before Columbus, and the fly was still only



(Toronto Public Libraries)

WINNIPEG, FORT GARRY, 1872

a harmless nuisance. Garbage was thrown into the streets to be trampled into the mud or eaten by animals and birds. Cobblestone roads were almost a luxury, pavements were unheard of. Gas and electric lighting and electric tramways were still to be invented. City streets were unpoliced. Not until 1829 did the London "Bobbies" appear on the streets of London, and even this first modern English police force was established by the British government. Other police forces, established by municipalities, came later.

If these things were true of England, it is no wonder that in Canada a century ago municipal government was in its infancy. The city of St. John in New Brunswick was incorporated in 1785, but the idea of elected municipal councils did not gain any head-

way for another half century. Not until 1834, for instance, was Toronto incorporated and a mayor and council elected.

In the next few years, however, there were signs of a change. Lord Durham in his *Report* strongly advocated the establishment of elected municipal governments, and after the union of Upper and Lower Canada in 1841 the development was rapid. Finally, the Municipal Act, passed in 1849, laid down the main features of



WINNIPEG FROM THE AIR, 1928

municipal government in Ontario some of which are recognizable even at the present time. Some of these features were copied later in the Western provinces, so that this Act is probably the most influential single piece of legislation on municipal government in Canadian history.

Not until considerably later, however, did municipal governments begin to do most of the things which they do now. It was only in 1878, for instance, that all firemen in Toronto became paid employees of the city. Up to that time fire fighting had been done altogether or in part by volunteers. In the same decade the city

bought the waterworks and began to operate them as a municipal enterprise. These are illustrations of a development which was, in fact, very common. Services such as fire protection, waterworks, and lighting, which at first were supplied by volunteers or by private companies, were more and more taken over by municipal governments. At the same time new services were begun. It was in 1884, for example, that the Ontario government required all municipalities to appoint local boards of health.

Municipal government developed at first more slowly in the Maritime Provinces than in Ontario and Quebec. It was not until after Confederation that elected councils were established, and in Prince Edward Island these are still limited to one city and seven towns. From these and many other illustrations we can see how recent is the growth of municipal activities on the scale which we have at present. Almost certainly, however, they will grow still more. In the past twenty-five years there have been great developments in transportation and road building, in the prevention of disease, and in many other matters which affect municipal governments. These developments are likely to go on still more rapidly. Dominion and provincial governments will undoubtedly have more and more to do with them, but even so, municipal governments will find themselves faced with new problems and greater responsibilities.

The Provinces and the Municipalities. Under the British North America Act local government is placed entirely within the control of the provinces. In each province, therefore, municipalities are incorporated, i.e. legally established, by the provincial government which also determines their power and duties. In every province except Quebec and Prince Edward Island there is a Department of Municipal Affairs with a Cabinet Minister in charge, and these Departments have grown enormously in recent years owing to the increase in the responsibilities and expenditures of municipal governments. The provincial government gives advice and supervision in many ways, especially when municipalities get into financial difficulties or are likely to do so. The municipalities also have to work very closely not only with the Departments of Municipal Affairs but with other Departments such as

those in charge of education, highways, and health, since the matters which come under their control require constant co-operation between provincial and municipal governments.

One other point should be mentioned. In all but the three Maritime Provinces there are large areas still too thinly populated to have councils, and these areas are directly controlled by the provincial governments. Ontario has eleven such districts in the northern part of the province; although, where there is sufficient population, these are divided into townships with township councils which have control of such matters as local roads and bridges.

The Government of the Local Rural Municipalities. Rural municipalities in all parts of Canada are governed by elected councils, but these differ in the various provinces in size and in the arrangements for their election. In Nova Scotia, for instance, they are elected every three years; in New Brunswick, two councillors are elected yearly from each parish.

In Ontario and Quebec the county councils are not elected directly and the system therefore requires a brief explanation. What is said for Ontario will serve also for Quebec since the arrangements are very similar in the two provinces.

The county councils in Ontario are made up of reeves and, in most cases, deputy reeves who have already been elected to serve on the councils of the towns, villages, and townships which make up the county. The southern part of Ontario is divided into forty-three counties. Of the local municipalities lying within the counties seven towns and all cities have councils entirely separated from the county councils; but most of the towns, like the villages and townships, share with their county in the control of interests which they have in common such as roads, health, welfare, education, etc. The division is very well seen, for instance in the matter of roads. The province looks after the main highways, but next to these the chief roads are under the control of the county, while the townships are responsible for the lesser roads, and the towns for their own streets.

A township council consists of a reeve and four councillors. A village may be incorporated where there are at least 750 people living within an area of 500 acres, and a village council like that

of a township is made up of a reeve and four councillors. When a village grows to the point where it has one thousand voters, however, one of the councillors becomes a deputy reeve, and he is entitled like the reeve to a place in the county council.

When a village reaches a population of two thousand it may be incorporated as a town. The town council consists of a mayor, a reeve, and two or three councillors elected for each of the wards into which the town is divided (three for each ward where there are fewer than five wards, and two for each ward where there are five wards or more). For each thousand voters one of the councillors is named a deputy reeve, and takes a place along with the reeve on the county council. The larger towns thus have a greater representation in the county council than the smaller towns or the villages and townships.

The elections for all councils are held annually, and each county council appoints after the election one of its number as a presiding officer, who is called the warden. In each county there is a county town with a court house and jail, and accommodation for the county offices and the meetings of the county council.

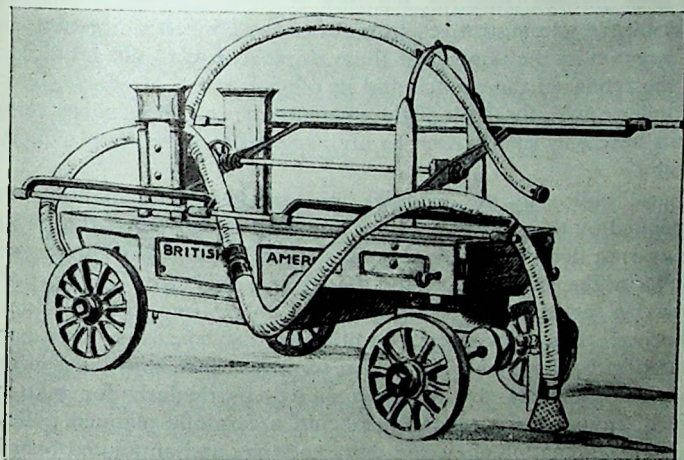
The Government of Local Urban Municipalities. In Ontario, as has been noted above, all cities and seven towns have councils which are completely separated from the counties or districts in which they are situated. The same is not true in every province, however. In New Brunswick there are two cities which are governed as parts of the counties to which they belong, while, on the other hand, there are throughout the country several scores of towns and even villages which have independent councils.

The size of cities also varies greatly. In Ontario a town must have a population of 15,000 before being incorporated as a city, but there are cities elsewhere with very much smaller populations. Slocan, B.C., for instance, which has been a "city" for many years had a population of only 183 according to the census of 1941. The term "city" has therefore no very exact meaning.

The common form of government for a city or town is a mayor, and a council of councillors or aldermen, who are usually elected by wards. In British Columbia, however, the larger cities have dropped the ward system. Vancouver, for instance, has a council

of only eight members, four being elected each year by the whole city for a two-year term.

In some of the larger cities there is in addition to the mayor and council a small elected committee usually called a Board of Control, whose members along with the mayor act as an executive committee for the council. In Toronto there are four controllers



(Toronto Public Libraries)

TORONTO'S FIRST FIRE ENGINE

In 1837 the British America Insurance Company presented a "fore and aft" engine to the city.

elected by the whole city. They sit and vote in council, but they are also specially paid since their duties require practically their entire time. The Board prepares estimates for the levying and spending of money. It awards contracts, hires and dismisses municipal employees, and is responsible for the maintenance and inspection of all municipal works and services. It thus has a very great responsibility in the management of the city, although its recommendations must be approved by the council. In Montreal there is no Board of Control, but there is a commission of five, of which the mayor is not a member, which has very extensive

powers especially with regard to financial matters. City government thus shows many variations, and much experimentation. Montreal is said to have had fourteen systems in its first hundred years as an incorporated city.

All municipal councils have the right to pass by-laws* and to levy taxes, and each municipality has permanent officials, such as the clerk and the treasurer, who are appointed by the council to carry on the administrative work under the council's direction. In the larger cities the number of these employees runs into hundreds. All the actions of the council and its officials must, of course, be in accordance with the laws of the province, since municipal governments have only such powers as are assigned to them by provincial statute.

Local police in the counties and smaller municipalities are appointed by the council. In the larger cities, however, the police are under a Board of Police Commissioners, composed of the mayor, a judge of the county court, and the police magistrate. The purpose of having such a board is to remove the police from direct political influence. For the same reason other special boards, such as harbour boards, library boards, hydro commissioners, and transportation commissioners, are often appointed, particularly for matters which require expert management and a carefully planned policy.

This combination of elected representatives and appointed boards in municipal government is capable of much expansion, and as municipal problems grow there is likely to be a great deal of experiment along these lines.

The control of the Local Schools. In Canada the schools are treated as a special problem which does not come directly under the authority of the municipal councils. In both rural and urban municipalities elected school boards, varying in size from three to several times that number, are responsible for all school matters, such as buildings, equipment, and the hiring and dismissal of teachers. These boards obtain their money through the municipal councils, part of whose taxes are levied for school purposes. In managing the schools the local boards work directly with the provincial Department of Education, which decides on the courses to

* A by-law is literally a town-law, by or bye being an obsolete English word for town.

be taught and the textbooks to be used, and regularly sends out inspectors to visit the schools. The provincial governments also make direct grants of money to supplement the municipal school tax.

Who can Vote in Municipal Elections? As with everything else in municipal government there is great variety in the regulations for voting. Most municipalities, however, restrict the franchise in some way to property-holders, tenants, and tax-payers. In some places only owners are allowed to vote on certain questions involving expenditure of money or increased taxation. The municipal voters' lists are thus usually quite different from those for Dominion or provincial elections. The city of Winnipeg gives the vote to adults regardless of property qualifications, but this is exceptional.

The Importance of Municipal Government. Local self-government has sometimes been called the corner-stone of democracy. This is a strong statement, but it is well justified. In local governments there are thousands of elected representatives as compared with hundreds in Dominion and provincial governments. These local governments are, therefore, a training ground in democratic methods. They are all the more so because they are close to the people. The electors can watch closely what goes on, and see how their money is spent. In a country as large as Canada, where there is so great a variety in local conditions, it is especially important that local governments should be strong and active.

It is an unfortunate fact that, as a general rule, people take much less interest in municipal than they do in Dominion and provincial elections. In Dominion elections 70 per cent or more of the electors vote; in municipal elections the number is often not more than 25 to 30 per cent. This indifference is destructive of the spirit of self-government. Municipal governments will have more rather than fewer responsibilities in future. People will expect more of them, and demand more from them. In particular they closely touch questions, such as education, health, and recreation, which are rapidly increasing in importance, especially for young people. If local governments are to play their part, they must be democratic, wide-awake, and efficient. If they are so, they will be a bulwark for democracy throughout the nation.

Chapter VIII

Paying Our Way

THERE is an old saying that two things are inescapable—death and taxes. Robinson Crusoe on his island escaped taxes, but surely he was the exception that proved the rule. In the oldest historical records which have come down to us, such as clay tablets, parchments, and writings on stone, there are references to taxation, and we may take it for granted that there never has been a government which did not levy taxes in some way or other.

In modern times, however, the forms and purposes of taxation have changed enormously. In the Middle Ages under the feudal system, for example, wars were carried on with very little expenditure of money. Noblemen and knights gave their services as fighters to their feudal lords not for money but for the lands which they held as feudal tenants.* It is only in recent centuries that governments have come to depend entirely on the collection of money, and the method of raising money by loans in the form of government bonds sold to the people is still more recent.

The purposes of taxation have changed just as much as the forms. Until recent times governments spent very little except on the expense of ruling and defending the country and on public works. These items are still an important part of government expenditure; but, within the last century and especially within the last thirty years, governments not only in Canada but in other

* In an account book of the English king Henry VII, for the year 1497, one may see such items as the following, showing how the expenses of government were at that time still mixed in with the king's personal expenses—the modern system of government finance had, indeed, scarcely begun: "To the Kinges commissioners in the weste parts, £333 6s.8d.; for sixteen pair of gloves, 5s.4d.; to the Quenes fideler, £1 6s.8d.; to Bayly for watching the crowes, 13s.4d.; to hym [John Cabot] that founde the new Isle [Newfoundland], £10."

countries have begun to spend very large sums on education, health, and other social services, which formerly were either neglected or left entirely to the individual citizen. To this has been added the cost of two world wars, with the result that the amounts collected and spent by governments have risen to a height that no one fifty years ago would have imagined possible.

Every government, large or small, now draws up a budget before the beginning of each financial year in which it estimates the amounts which it will need to spend and collect. For a government like that of the Dominion this is a tremendous task, requiring the collection and study of masses of statistics with regard to the whole economic life of the country. The annual budget speech, given by the Cabinet minister in charge of finance, is always one of the most important in a Dominion or provincial parliamentary session, and certainly few parliamentary speeches are awaited more anxiously by the individual citizen.

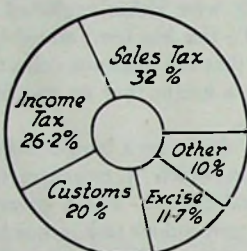
Some Important Changes in Canadian Government Finances Since Confederation. Perhaps the most striking change in Canadian government finances since Confederation is the great increase during recent years in the size of government revenues and expenditures. The following figures for several selected years give an idea of the change which has taken place:

| DOMINION | | PROVINCIAL | |
|----------|---------------|---------------|--------------|
| | Revenue | Expenditure | |
| 1871 | \$ 19,335,561 | \$ 19,293,478 | \$ 5,518,946 |
| 1911 | 117,780,409 | 122,861,250 | 40,706,948 |
| 1921 | 436,292,185 | 528,302,513 | 102,030,458 |
| 1940 | 562,093,459 | 680,793,792 | 302,481,833 |
| | | | Expenditure |
| | | | 4,935,008 |
| | | | 38,144,511 |
| | | | 102,569,515 |
| | | | 306,072,544 |

It is, however, not only the total amount of revenue and expenditure which has increased. In the first years after Confederation the annual average expenditure of the Dominion government for each person in the population was less than \$6; by 1940 it had increased ten times, and during the war it has gone far beyond that. Here are the figures for some of the years:

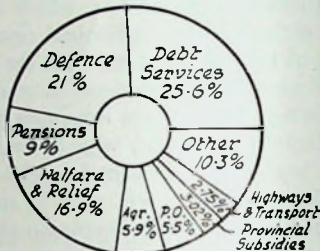
| | | | |
|------------|---------|------------|----------|
| 1871 | \$ 5.23 | 1939 | \$ 49.09 |
| 1911 | 17.04 | 1941 | 108.60 |
| 1921 | 60.11 | 1942 | 161.75 |
| 1926 | 37.59 | 1943 | 371.41 |

REVENUE

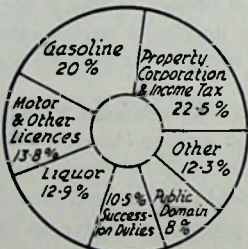


Sources of Dominion Revenue
1939 total \$518,800,000

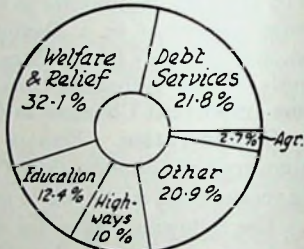
EXPENDITURE



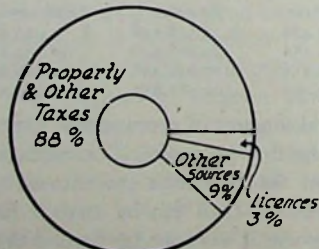
Dominion Expenditure
1939 total \$633,363,000



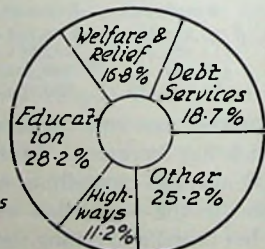
Sources of Provincial Revenue
1939 total All Provinces \$261,711,000



Provincial Expenditures
1939 total All Provinces \$279,789,000



Sources of Municipal Revenue
1939 total \$310,062,000



Municipal Expenditure
1939 total \$294,731,000

REVENUES AND EXPENDITURES OF DOMINION, PROVINCIAL, AND MUNICIPAL GOVERNMENTS IN 1939

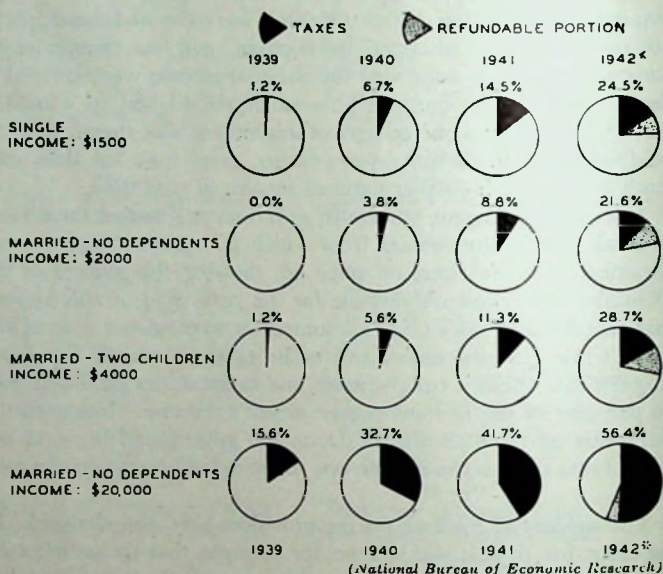
These enormously increased war-time expenditures could not, of course, be fully met by taxes, and very large government loans were made necessary. For the financial year 1943-4, the Dominion finance minister estimated that the Dominion government would require over six billion dollars. Of this it was estimated that \$2,617,000,000 would be obtained by taxation, and the remainder by borrowing. In the same year the national income was expected to rise to \$8,800,000,000, which is much the highest in Canada's history. More than one-quarter of this income was, therefore, to be paid in taxation. Seventy years earlier, taxes took less than one-tenth of the much smaller national income of that time.

A second important change in government finances since Confederation is in the sources from which government revenues are obtained. In the chart on page 96, showing the sources of the Dominion government's revenue for the year 1939, it will be seen that income and sales taxes accounted for over 58 per cent of the total, while customs duties and excise taxes accounted for about 32 per cent. Before 1914 customs and excise duties produced over 90 per cent of the Dominion government's revenue. Not until the war years of 1914-18 did the Dominion government begin to use direct taxes such as the income tax, the sales tax, stamps on cheques, etc.

The sources of revenue for the provinces have also changed. In the chart for 1939 it will be seen, for example, that the automobile, through motor licenses and the gasoline tax, was the most important single source of provincial revenue in that year, and that other direct taxes such as succession duties and corporation taxes were also important. None of these direct taxes was part of provincial revenue at Confederation; only in the last thirty years have they become really significant. On the other hand, the chief source of municipal revenue has not changed. The property tax, based on an assessment of value, is still much more important than any other.

A third important change is in expenditures. In the case of the Dominion government, the cost of defence has become a large item, 21 per cent of the total in 1939 and far more during the war years. To the direct cost of defence in any one year is added the enormously increased burden of debt which has resulted from two world

wars. At Confederation, and for many years after, the cost of defence was negligible. In 1896, for instance, it was only 6 per cent of the Dominion government's total expenditure.



WARTIME TAXES TAKE AN INCREASING SHARE OF CANADIAN INCOMES

Another striking change in expenditure since Confederation has been the increase in the amounts spent for social services such as education, health, old age, pensions, unemployment insurance, etc. At Confederation the amounts spent by various governments on these services was less than 14 per cent of the total expenditures. A glance at the charts shows that in the year 1939, 45 per cent of municipal expenditures and over 46 per cent of provincial expenditures were devoted to these services, in addition to the amount spent by the Dominion government: From 1874 to 1939, the

amount spent on social services by governments in Canada rose from \$4 million per year to over \$360 million.

Finally, a word should be said about the importance in Canadian government finances of loans obtained from the people. Such loans were unknown for many years after Confederation, and in 1914 less than \$700,000 of the Dominion government's debt was payable in Canada. The first public loan was raised in 1915 as a war effort and astonished everyone by producing \$100 millions. During the war \$2,100 million was raised by public loans. During the war years since 1939, this total has been far exceeded. In the two loans of 1944 over \$3,000,000,000 was subscribed by more than 3,300,000 subscribers, and in addition \$67,000,000 was raised by war savings stamps and certificates bought by thousands of boys and girls as well as adults. Canadians by these purchases have shown without hesitation that they have confidence in their country's future. In addition, they have the satisfaction of knowing that the public debt, although enormously increased, is now largely owed to Canadian citizens themselves.

The Financial Relations of the Dominion and Provinces. Although the Dominion and provincial governments carry on their finances separately, there has always been a relation between them. At the time of Confederation it was agreed that the Dominion government, because of its larger taxing powers, should pay the provinces certain annual sums of money as well as certain lump sums for special reasons, such as to assist with provincial debts. These "subsidies," varied with the different provinces but were an important part of provincial revenue, amounting in 1874 to nearly two-thirds of the total. As provincial expenses rose, however, the provinces had to raise more by taxation, and the subsidies became a smaller part of the total provincial revenue. By 1913 they were 28 per cent, and by 1921, only 13 per cent. The result was a great deal of agitation to have them increased.

In 1906 a Dominion-provincial conference was held at which an adjustment, then thought to be final, was agreed on, but this was by no means the end of the matter. In the following years certain provinces found it much harder than others to meet their growing expenses by increases in taxation. Ontario and Quebec, with their

rapidly rising manufacturing and mining industries, were, for example, in a better position than the Maritime Provinces. In 1927, as the result of a Royal Commission report, a Dominion-provincial conference met and agreed that the subsidies of the Maritime Provinces should be nearly doubled. The depression of the 1930's, however, again made the whole problem of Dominion-provincial financial relations acute. It was one of the chief subjects studied by the

Rowell-Sirois Commission, appointed in 1937, but the outbreak of the war in 1939 postponed any change.

Since 1913, in addition to subsidies, the Dominion government has made grants for particular purposes to the provinces. These grants-in-aid, as they have been called, were, in the first instance, contributions for such purposes as improved roads, old age pensions, agricultural education, etc. During the depression of the 1930's, in addition to grants-in-aid, large emergency grants were also made for such purposes as unemployment re-



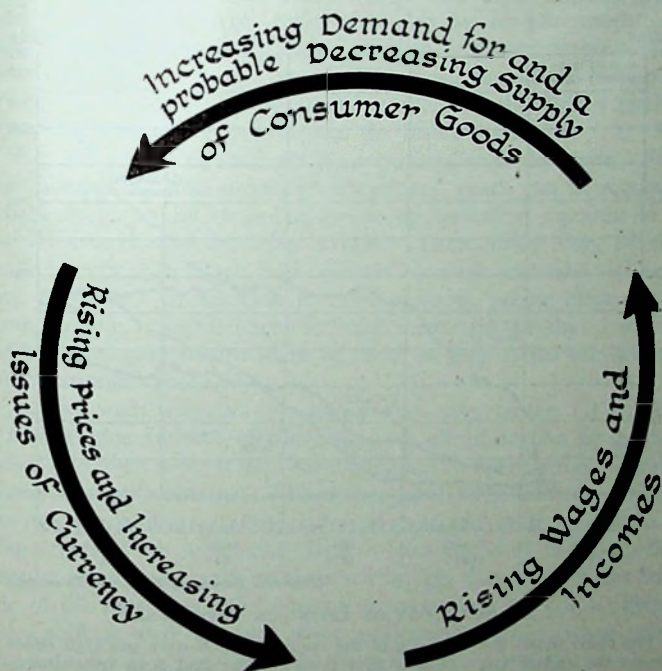
(War-time Information Board of Canada)

CURBING INFLATION

lief, and aid to drought-stricken areas in the West.

The Fathers of Confederation appeared to think that the question of provincial subsidies and grants could be finally settled; but the experience since 1867 contradicts this. It shows, in fact, that the financial relations of Dominion and provincial governments are likely to grow rather than diminish as conditions change. In matters of public welfare and social services, which are increasing in importance, both kinds of governments must play a part, and municipal governments also come into the picture. The result, in all probability, will be that more rather than less negotiation and co-operation will be necessary in the future than in the past.

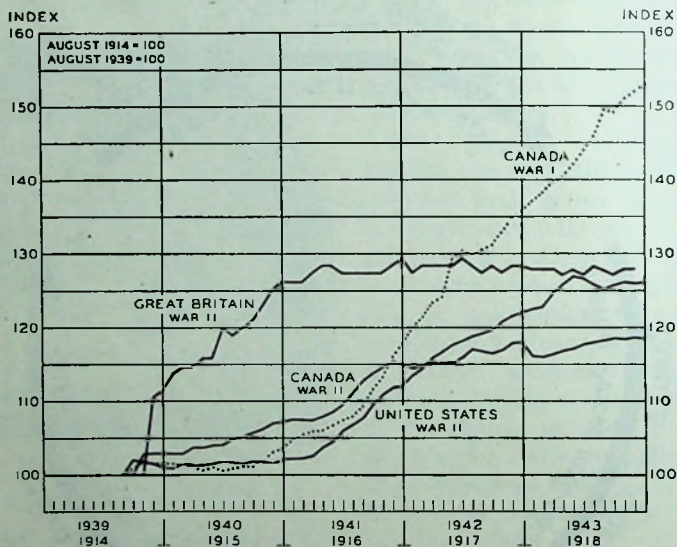
Our Taxes and Our Standards of Living. In recent years, as we have shown, taxes have been used more and more not only for government expenses, defence, and public works, but for social services to improve the general standard of education, health, and security among the people. Taxes have, therefore, a very close



THE VICIOUS CIRCLE OF INFLATION

relation to standards of living. A special, and most important illustration of this is to be seen during the war years when there is a very great danger of "inflation." By inflation we mean an extremely rapid rise in prices, which means at the same time an extremely rapid decline in the value of money. When these changes

take place, they upset the whole economic life of the country, and cause the most acute want and suffering among the mass of the people. In the most extreme cases of inflation, money has actually declined in value until it is scarcely worth the paper it is printed on, a bushel or cartload of it being needed to buy a pair of shoes or a suit of clothes.



(National Bureau of Economic Research)

CANADA'S COST OF LIVING IN TWO WARS

The chart shows the influence of the controls which were put into effect near the end of 1941. Up to that time the line had been very similar to that in the war of 1914-18.

The reasons and remedies for inflation are extremely complex, but some important points about it may be understood by all of us. The chief reason is to be found in a vicious circle of causes and effects which may be brought about in various ways, but which is very likely to be created during a war. When, for example, the war effort is well begun, there is likely to be, on account of the produc-

tion of war goods, a decreasing supply of food, clothing, furniture, and all kinds of other articles commonly known as consumers' goods. At the same time, there will be almost certainly an increased demand for these goods because the war effort will probably raise the level of employment. This increasing demand for, and decreasing supply of, consumers' goods will in turn cause a rise of prices and a pressure for larger issues of money by the government. As prices rise and the cost of living goes up, increased wages and incomes will be demanded; and increased wages will still further increase the demand for consumers' goods. So the vicious circle is complete, and unless it is broken the result is ruinous.

A combination of methods is needed to break the circle. First, the demand for and supply of consumers' goods can be regulated where necessary by rationing, by fixing quotas of amounts to be manufactured, and by other means. Then, prices may be controlled by price ceilings; and incomes by wage and salary ceilings, and by taxes. In addition to these controls, people must refrain from buying unneeded articles and must put all they can into savings and government loans in order to keep down the demand for consumers' goods.

To put such remedies into effect is no easy matter. It requires a tremendous amount of planning and administration by government, and even more it requires the willing co-operation of the mass of the country's citizens. Unless they have some understanding of the problem and some appreciation of their part in it, no amount of planning will be sufficient. It is to the credit of the Canadian people, as well as greatly to their advantage, that Canada has been one of the most successful nations in controlling her cost of living. Price ceilings were put into effect in December, 1941, when prices showed signs of a rapid rise. In the period of more than three years since that time, many difficulties and adjustments have had to be faced, but in general the cost of living has been held steady and serious inflation prevented.

Paying our way as citizens in a democracy is thus much more than merely contributing to the expenses of government. It is a means of contributing to the welfare and stability of the country, and it demands of every citizen some understanding of the purposes and

plans of government. It demands also some understanding of our relations with other countries, for nothing in the future will affect the tax-payer's pocket more than the course of international affairs. Our permanent prosperity will depend in the long run on whether the world is to have peace or a succession of almost continuous wars.

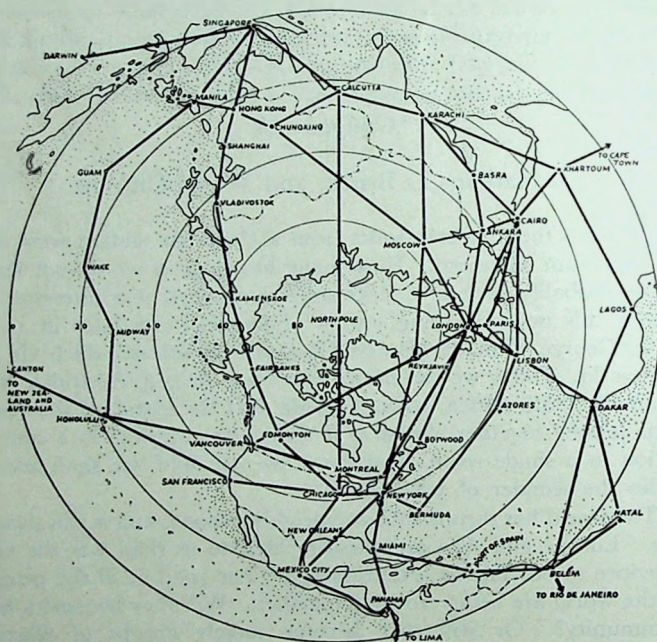
Chapter IX

Canadians as British and World Citizens

IN 1918 the first broadcasts from a Canadian station were sent out from Montreal. How many heard them we do not know—probably very few, since scarcely anyone was interested as yet in this new plaything, radio. Fourteen years later in 1932, King George V made his first Christmas broadcast which circled the world. Today we can hear voices from Britain, Australia, New Zealand, South Africa, India, Canada, and the islands of the Seven Seas joining together almost as if they were carrying on a conversation in a single room. Tomorrow, we are told, we shall add to radio the wonder of television.

The world has shrunk into one neighbourhood, and is still shrinking. Europe and Asia are already closer to us than was the next province to our fathers a century ago. For good or ill the peoples of the world are being crowded together. Will they become a true community? Or will they become merely groups of warring nations flying at one another's throats in every generation? That is the most important question which the peoples of the world are being forced to ask themselves in this twentieth century.

Canada's New Position. How have these world changes affected Canada? They have brought her into the centre of world affairs in a way that no Canadian could have imagined a few years ago. Canada looks West as well as East, North as well as South. Across the Pacific she faces the unpredictable changes which are stirring the Orient. With their resources and their hundreds of millions of people, China, India, and the islands of the Pacific will become a vast force in the world of the future. But Canada looks also to the North. For over three hundred years men like Frobisher, Hudson, and Sir John Franklin struggled painfully foot by



(Foreign Policy Association)

POST-WAR AIR ROUTES

Routes shown on this map include pre-war, wartime, and possible post-war services. The distances given below are for routes shown on the map, and are approximate; where there are several routes between two points the distance for the shortest is given. All distances are in statute miles.

| | | | |
|-------------------------------|--------|------------------------|-------|
| New York-London | 3,400 | Vancouver-London | 4,800 |
| New York-Moscow | 4,600 | Montreal-London | 3,200 |
| New York-Mexico City | 2,100 | London-Moscow | 1,600 |
| New York-Rio de Janeiro | 5,300 | London-Cairo | 2,200 |
| San Francisco-Auckland | 6,800 | London-Cape Town | 7,000 |
| San Francisco-Manila | 8,000 | London-Karachi | 4,000 |
| Chicago-Singapore | 10,000 | London-Darwin | 9,000 |
| Chicago-Calcutta | 8,000 | Moscow-Karachi | 2,600 |
| Vancouver-Sydney | 7,800 | Moscow-Chungking | 3,700 |

foot into the Arctic. Now the airways of tomorrow are being mapped over this roof of the world, and Canada shares with Russia no less than three-quarters of the Arctic's coastline.

Canada thus lies literally at one of the main crossroads of the new world which is emerging before our eyes. She is a next door neighbour to Britain, the United States, and Russia, and she is the only nation in the world so close to all three of these Great Powers. To Britain and the United States she has been intimately related for over one hundred and fifty years; with Russia she is bound to have many close contacts in the future. Both geography and history have thus placed Canada in a strategic position. It is a position which would become one of the greatest danger and difficulty if the world of the future were divided into warring camps. But if the nations of the world can learn to live together, it is a position of opportunity and influence. A world based on international co-operation is, therefore, a necessity for Canada. If she does not do her utmost to help in its creation she is blind to her own interest and responsibility.

To understand her position let us look first at her relations within the British Commonwealth and then at her relations with the other nations of the world.

Canada and the British Commonwealth. To people of other countries the British Commonwealth cannot but seem a strange organization. Its members are scattered and separated by thousands of miles—Australia and New Zealand in the South Pacific, Canada in the northern half of North America, South Africa at the southern tip of Africa, and Great Britain just off the north-west corner of Europe. Each has its own interests and problems, and yet they have held together under the greatest stress. In 1940 with Europe prostrate they stood alone for a year facing the combined power of Germany and Italy which seemed on the point of a sweeping triumph.

What, then, is the Commonwealth? It is, first of all, an association of self-governing states owing allegiance to a single king. This arrangement, which seems remarkable on the face of it, came about by a natural historical development during and after the First World War of 1914-18. During that bitter struggle Canada,

Australia, New Zealand, and South Africa grew quickly in strength and responsibility. They had, of course, been growing toward nationhood within the Empire before that time. They had taken over complete control of their internal affairs; they had begun to carry on their own negotiations with other countries in such matters as trade; and they had also begun to take some responsibility for their own defence. During the war, however, the situation changed rapidly. The Dominions organized armies, sent large forces overseas, and contributed to the Allied war effort more than many of the smaller countries which were recognized as independent states. During the war also an Imperial War Cabinet was formed in which the Dominion premiers sat on equal terms with their colleagues from Britain, and in 1917 at an Imperial Conference a resolution was passed stating that the Dominions should be recognized as "autonomous nations of an imperial commonwealth."

At the Peace Conference in 1919, the Dominions urged, therefore, that each should have its own representation and sign the peace treaty in its own right. Great Britain supported these requests, which were finally agreed to, and the Dominions were also given their own representation in the League of Nations. This was a much more remarkable fact than was commonly realized, since there was no precedent for such an association of self-governing states, held together not by treaty but by a common allegiance and a spirit of co-operation. The Commonwealth was clearly emerging within the Empire, and in the Imperial Conference of 1926 this new relation was described in a statement which is sometimes called the Declaration of Equality. Great Britain and the Dominions, it said, "are autonomous Communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or internal affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations." A final step came in 1931 when the Statute of Westminster was passed by the British Parliament. It declared that no law of the British Parliament should apply to any Dominion unless the Dominion so desired and also that no Dominion law should be declared void on the ground that it was contrary to a law of the British Parliament. At Canada's

request two special points with regard to Canada were stated: (1) amendments to the British North America Act were still to be made by the British Parliament, which would act, however, only at the request of the Canadian government, and (2) legal cases involving the interpretation of the British North America Act could still be appealed to the Judicial Committee of the Privy Council. These limitations were to be removed whenever Canada wished, and were retained only because the Canadian provinces had not agreed on a method of amending the Act themselves.

Thus, by 1931, the British Commonwealth, as we know it, had been created; and in its creation Canada had played a leading part.

Has the Commonwealth now reached its final growth? To make prophecies would be rash indeed, but certainly there are possibilities of a still further remarkable development. Scattered throughout the world are British colonies and dependencies in all stages of political advancement from the most primitive tribes to areas which, like India, are on the threshold of complete self-government. These areas must be brought along the road to maturity as rapidly as possible. The British Commonwealth and Empire are, in fact, a laboratory of self-government and must continue to be so. Under the British flag in all parts of the world, there are over fifty elected assemblies and parliaments ranging in power and size from little assemblies like that of the Bahama Islands to the parliaments in Ottawa and London. No other empire, ancient or modern, has ever made so many experiments in free government, and no other method of developing self-government in dependent areas has ever been so successful as that of extending representative and responsible government step by step.

This is a fact of the greatest importance in international affairs, because one of the most difficult of all world problems is that of developing free government wherever possible. Unless democracy and free government can expand and spread they cannot survive. In recent years there has been much criticism in democratic countries of the old imperialism. All too often it meant governing dependent areas not in the interest of their people, but for what could be got out of them. In the history of the British Empire, good as it is in comparison with that of others, examples of this spirit

may be found. But the old imperialism cannot be replaced by nothing. It must, therefore, be changed by a determination to promote prosperity and self-government in dependent areas to the fullest possible extent. Signs are not lacking that this is the aim of British policy.* By following it the British Commonwealth can make one of its greatest contributions to the strengthening of democratic government and world peace.

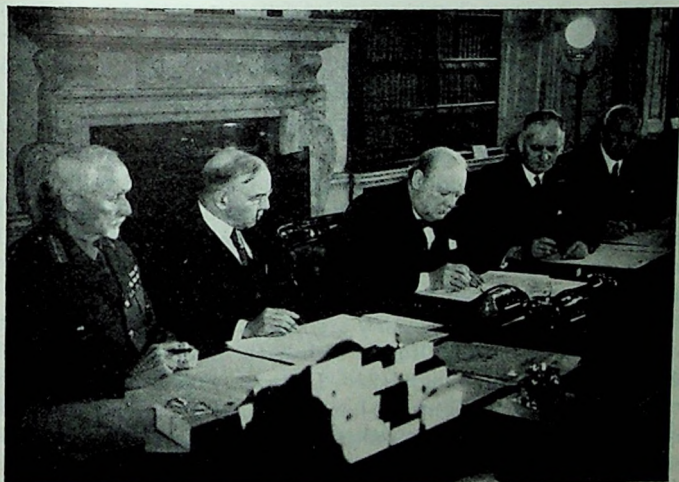
Canadians have as yet had little to do with the problem of imperialism, but in future they may have much more influence and perhaps even responsibility with regard to it. Close to Canada there are dependent areas, such as Labrador and Greenland, whose future is a matter of great importance to Canadians. In Labrador Canada has built at Goose one of the world's largest airports. The problem of dependent areas and imperialism is one which Canadians cannot afford to ignore. They should attempt to understand it, and their own history should help them to make some contribution toward its solution.

The Ties which hold the Commonwealth together. With some understanding of what the Commonwealth is, we can see more clearly what are the ties holding it together. (1) First there is the common allegiance to the King. The King, though he has no political power, has a position of unique and tremendous importance. To millions of people throughout the world he is the living symbol of the unity of the Commonwealth, and on great occasions such as the coronation, the visit to Canada in 1939, and the world wide broadcasts, he represents the whole Commonwealth as no one else could.

The Governor-General is the King's representative in each Dominion. Since the passing of the Statute of Westminster he is no longer an official of the British government as in the colonial period, but the personal representative of the King who appoints him after consultation with the Dominion government.

* One of the most interesting examples of the attempt to develop dependent areas is provided by the West Indies, where the British and United States governments have a joint commission—the Anglo-American Caribbean Commission—which is working out plans for economic and cultural advancement. In Jamaica a new constitution with wider powers of self-government was arranged in 1944.

(2) Economic and other interests, which members of the Commonwealth have in common, are a second tie. During more than a century, for instance, Great Britain was Canada's best customer. What the position with regard to trade will be in the future it is hard to say, but all the members of the Commonwealth want an expanding world trade. The war has also produced an enormous



(Central Press Photo)

PRIME MINISTERS OF THE COMMONWEALTH AT THE CONFERENCE
OF MAY, 1944

Mr. Winston Churchill appends his signature, watched by General Smuts, Mr. Mackenzie King, Mr. John Curtin, and Mr. Peter Fraser, at the final meeting at 10 Downing Street.

amount of co-operation in military matters, and in planning the manufacture and control of supplies of all kinds. The most conspicuous single example of wartime co-operation was the British Commonwealth Air Training Plan which brought airmen from all over the Commonwealth, and made Canada in President Roosevelt's words "the airdrome of democracy." Most of this common war effort will end with the war itself, but the need for co-operation

in many matters, such as airways and defence, will be as vital in the post-war period as it has been during the war.

(3) A third tie is the continuous consultation which goes on among the members of the Commonwealth. The means for this are of various kinds. Attracting most public attention are the Imperial Conferences, held every four years or oftener, in which the Prime Ministers of the Commonwealth meet to discuss important matters of policy. More important, however, is the continuous consultation through other channels. The members of the Commonwealth have High Commissioners in each other's capitals who are constantly in touch with the governments where they are stationed. In Ottawa this continuous consultation goes on through the Department of External Affairs, in London through the Dominions Office at the head of which is a Cabinet Minister. In addition to these contacts the Prime Ministers may communicate directly with each other on important matters, and during the war there has also been a stream of important officials, cabinet ministers, and special missions going back and forth.

For the first time in history nations scattered throughout the world may keep in daily touch with each other through the telephone, telegraph, and aeroplane. Distance, one of the great problems of the old British Empire, has been almost eliminated, and this opens up possibilities for consultation and co-operation which were out of the question even a few years ago.

(4) Finally, there is the common interest in preserving free government. This is the most intangible, but at bottom the strongest, tie of all. During this war free government has been in deadly peril, and throughout the Commonwealth and Empire men of all races, colours, and creeds have realized it. This is the bond which, more than any other has held them together. If this is so, and surely it is, the Commonwealth must continue to be a bulwark of free government in the post-war world. It must promote the principle of free government everywhere within its vast borders, and it must stand for those principles in helping to build a new world organization based on co-operation and mutual respect among nations great and small. The Commonwealth is itself a kind of international system of a unique kind. It can be made a powerful instru-

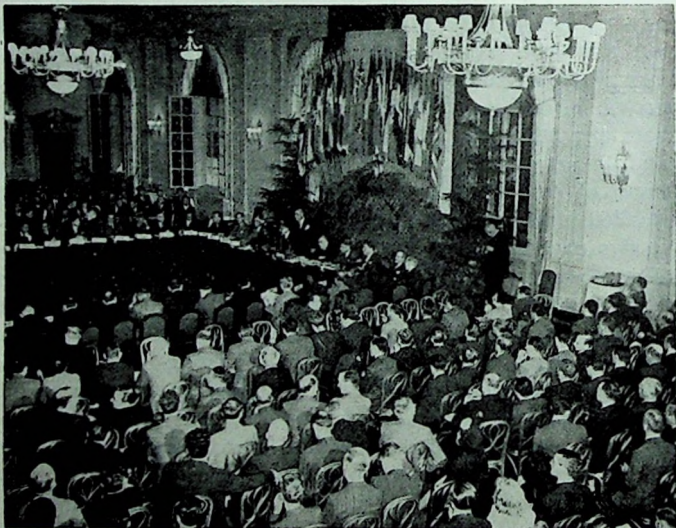
ment in creating a wider internationalism, and its members must find ways, by working together, to work for an effective international system throughout the world.

Canada's Relations with the United States. Among Canada's relations with other nations those with the United States have always had special importance, and never more so than today. The most famous illustration of these relations is the unguarded frontier which stretches between the two countries for over three thousand miles. But there are many other examples which might be cited. In normal times Canada was the second-best customer of the United States, while the United States bought twice as much from Canada as from any other nation and more than from all the South American nations combined. The movement of people and the investment of capital back and forth across the border have been unequalled anywhere in the world.

No two countries have had a more intimate relation, but it has been by no means always friendly. Following the War of 1812, the Rush-Bagot Agreement of 1817 prohibited the arming of vessels on the Great Lakes, and this act of statesmanship between Great Britain and the United States was the beginning of the policy of disarmament along the border which has now lasted over a century and a quarter. Through the rest of the nineteenth century, however, there were frequent disputes and even threats of war. Not until the present century did a spirit of greater friendship and understanding definitely show itself. The establishment in 1910 of the International Joint Commission, a permanent Board to settle disputes arising over boundary waters and other matters which might be referred to it, was a great step in advance.

With the outbreak of war in 1939, and especially with the fall of France in 1940, a new situation was created. Suddenly the invasion of North America became a possibility. Some decisive step was necessary, and the result was the Ogdensburg Agreement of August, 1940, creating a Permanent Joint Board of Defence to plan for the common defence of both countries. For the first time the United States had made a permanent military agreement with a member of the British Commonwealth, and Canada soon found herself carrying through her war effort in the closest relation with both Great

Britain and the United States. After Pearl Harbor, when the United States entered the war in December, 1941, this situation developed far more rapidly. Arrangements were made for joint planning and control of all kinds, and Canada became, more than she had ever been, one of the most important links in the relations of the United States and the Commonwealth. The results of joint



(National Film Board)

THE UNRRA COUNCIL MEETING IN MONTREAL
SEPTEMBER 16, 1944

The delegates of the forty-four nations, which were represented, were seated at the tables arranged in the form of a rectangle. Those in the foreground and background are representatives of the press and other observers and visitors.

planning were remarkable. Only some of the most spectacular of these efforts, such as the building of the Alaska Highway and the northern airfields, have become widely known to the public, but it is safe to say that without them the war could never have been won. In all these matters Canada has played her full part. She wisely arranged, for instance, that she would compensate the United

States for work done on the northern airfields so that her right of control within her own territory would be unquestioned.

These intimate and unique relations, which we have been able merely to suggest, are of the greatest importance not only to Canada and the United States but to the whole British Commonwealth and even to the world. Co-operation between the United States and Great Britain is essential to Canada but it is no less essential to world peace. Canada is not literally an interpreter between Great Britain and the United States, as she has often been called, but she has many times exerted a powerful influence in British-American affairs and never more so than during the war. She must, in the post-war years, when difficult and even dangerous problems are bound to arise in connection with such matters as trade, airways, and the reconstruction of Europe, throw whatever influence she has in favour of constructive actions and mutual goodwill.

Canada and World Organization. Can world peace and prosperity be achieved? This is the question which nations are facing everywhere with mingled hope and fear. They know, after two world wars, that peace is impossible unless nations will co-operate to ensure it, but how hard it is to get such co-operation! The problems which follow war are appallingly difficult. Victorious nations find themselves divided by conflicting interests and faced by the problem of caring for their own people. In countries which are over-run war brings destruction, poverty, and distress, and leaves problems of reconstruction which demand solution. The second world war has created such problems on an unprecedented scale. Millions of people have been driven from their homes, have lost their possessions, or been weakened by under-nourishment and disease. Government, law and order in many places have been torn up by the roots.

One favourable sign, in the face of these staggering difficulties, is that the United Nations have made at least a beginning of international co-operation for the solution of post-war problems. Of this beginning, UNRRA—The United Nations Relief and Rehabilitation Administration—is the most notable example. More than thirty countries have been over-run by Germany and her allies, and millions of the victims of war have been stripped of food, possessions, and even hope. In Europe alone it is estimated that

those driven from their homes number no less than twenty to thirty millions. Under-clothed and under-nourished, these hordes of wretched people are an open invitation to epidemic diseases which



(Globe and Mail)

AN INTERNATIONAL PROBLEM

To restore law, order, and self-government to the liberated nations of war-torn Europe is a most baffling problem. No wonder the United Nations' soldier looks puzzled.

Invaded countries will not be asked to contribute, although some have announced that they will do so. Other countries will contribute on the basis of one per cent of their national income for the year ended June 30, 1943. Canada's share on this basis is about \$77,000,000, and Canada's cheque for \$6,886,936, delivered to UNRRA's director on June 21, 1944, was the first substantial contribution which UNRRA received. Canada could well afford to give such a contribution for such purposes, but her contribution will be by no means all gift. Ninety per cent of it will be spent in Canada for food and supplies, and will thus help to provide work and markets for Canadian producers.

UNRRA's organization consists of a council on which each of

could sweep through Europe and into other continents. As countries are liberated their people must have food, clothing, medical supplies; and, even more important in the long run, farm implements, seeds, and other means of restoring their production. In self-defence, if for no higher motive, more fortunate countries must bring these people back as fast as possible to the point where they can help themselves.

Such are the purposes of UNRRA. On November 9, 1943, the representatives of forty-four nations met at Atlantic City, created an international organization, and proposed the raising of a fund of about two and one-half billion dollars. In-

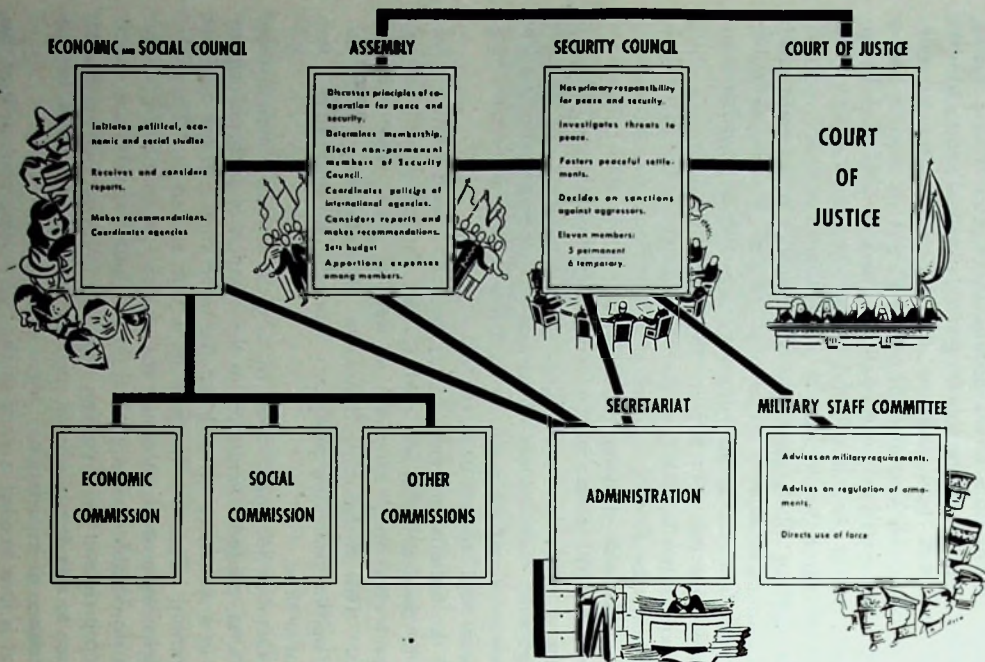
the forty-four member nations is represented; a central committee of representatives from Great Britain, the United States, Russia, and China, which is responsible for general oversight; and a director general and staff who carry on the day-to-day administration. The council, which is to meet, if possible, every six months, makes decisions with regard to general policy. There are also several committees to advise the council and director general. Among these Canada was given the chairmanship of perhaps the most important, that on supplies. She is one of the few countries in the world which can be counted on heavily for supplies of food. She was also made a member of the European committee, a further recognition of her increased importance in the international scene.

It is hoped that UNRRA will be of great significance, not only in itself but as the first of a series of international organizations to improve standards of living throughout the world, thus raising both the level of world trade and the level of international good will. It provides a method, a technique, of international co-operation. Through such organizations a network of co-operative efforts might be thrown around the world in such a way as to reduce jealousy, bitterness, and international friction.

Can the nations, however, ensure peace? Can a world organization be created which will curb warlike nations, prevent aggression, and give small countries, as well as great, some sense of security? This is the central problem. Without such an organization, neither peace nor prosperity is possible for more than a few years at a time.

On October 30, 1943, Great Britain, the United States, Russia, and China, pledged themselves to the creation of such an organization in a statement which has come to be known as the Moscow Declaration. This was its most important sentence: "They [the four signatory powers] recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving States, and open to membership by all such States, large and small, for the maintenance of international peace and security."

What is now needed is some method of putting content into this general declaration. In October, 1944, the first step was taken at



(Wartime Information Board of Canada)

WORLD ORGANIZATION AS OUTLINED IN THE DUMBARTON OAKS PROPOSALS

an international conference at Dumbarton Oaks in the United States. The nature of the proposals which came out of that conference is suggested by the chart on page 118. The central bodies, which are proposed, are a general assembly in which all the member nations are represented, an economic and social council, and a security council of eleven members—five of them being the representatives of Great Britain, the United States, Russia, China, and France; and six being the representatives of other nations elected for two-year terms by the assembly. Of these bodies the security council has the most difficult role. The most serious problem proved to be the question of voting in this council, and for the moment no decision could be reached on this point. The Great Powers in particular are reluctant to agree to any method which might reduce the control of each over its own policy on the most vital questions of war and peace.

What will come out of the Dumbarton Oaks proposals it is impossible as yet to say. The road to world peace is beset with difficulties, and we cannot expect to escape the severest tests and disappointments. To achieve an effective world organization will demand from peace-loving nations all that they have of intelligence, good will, and determination. Such an organization is vital to Canada and her citizens; and in its creation she no less than others, must face risks and contribute to the solution of common problems. Geography and history have swept her into the international scene. During the war she has become the fourth among the United Nations in the production of supplies, the fourth in air power, and the third in sea power. She now occupies a place of influence and responsibility.

With infinite difficulty the nations of the world are struggling toward an internationalism based on order, justice, and co-operation. Through centuries men have built up these principles in the family, the tribe, and the nation state, and now they must build them into the community of nations. In this vast and baffling drama Canadians have a part to play—as Canadians, as members of a world-wide Commonwealth based on freedom, and as citizens of a world which must, if it is to avoid chaos, strive to achieve in international affairs the high ideal of democracy in action.

QUESTIONS

CHAPTER I

What definition of democracy is, in your opinion, the most satisfactory?

CHAPTER II

How many kinds of voluntary associations can you think of in your community?

What opportunities for adult education are available in your community?

What is the meaning of the word propaganda? Is all propaganda bad?

CHAPTER III

What is the difference between dissolving and proroguing Parliament?

Can you give an example of a Private Member's Bill?

Can you give an example of a successful coalition?

CHAPTER IV

What do you think of the present qualifications for voting? Do you think, for instance, that the minimum voting age should be less than twenty-one?

Compulsory voting—What would be the advantages and disadvantages of a law compelling citizens to vote?

What is a Public Opinion Poll, and how is it obtained?

CHAPTER V

What are the chief arguments for and against the "reform" of the Canadian Senate?

What method of amending the British North America Act do you favour?

What is the origin of the name Hansard?

CHAPTER VI

How is a jury chosen at the time of a trial?

What is bail, and when can bail be refused?

What conditions in your community encourage (a) respect for law; (b) breaking of the law?

In regard to healthful recreational facilities, would you class your community as excellent, good, fair, or poor?

CHAPTER VII

Do you consider that the interest in municipal government in your community is excellent, good, fair, or poor?

Has your community any outstanding example of community enterprise?

Does your community show any interest in its own history?

CHAPTER VIII

How many types of taxes can you name? Which types do you consider most satisfactory?

Can you give some extreme examples of inflation?

CHAPTER IX

Why is an effective world order of special importance to Canada?

Do you consider that Canada gave satisfactory support to the League of Nations?

What dangers to world peace may occur if the nations of the world organize themselves into strong regional blocs?

INDEX

- ACT OF PARLIAMENT, passage of, 29-30
 Alaska Highway, 114
 Anglo-American Carribean Commission, 110 *n.*
 Assembly, freedom of, 10
 Association, voluntary, 14-15

 BRITISH COMMONWEALTH, 2, 107-15;
 Air Training Plan, 111
 British North America Act, 26, 27, 30, 58 *ff.*, 88; amendment of, 59 *n.*, 65-8, 109

 CABINET, 24, 26-7, 31-8
 Canada Gazette, 41
 Candidates, nomination of, 41-3
 Cities, government of, 90-2
 Citizens, duties of, 20-1, 51
 Civil service, 36; Commission, 24, 36
 Coalition government, 28-9
 Communities, definition of, 20-1
 Constitution. *See* B.N.A. Act
 Counties, government of, 89, 90
 Courts, system of, 74-5, 77-80

 DECLARATION OF EQUALITY, 108
 Democracy, definition of, 2
 Dictatorship *vs.* democracy, 1 *ff.*, 7, 21, 23, 72, 74, 75
 Disallowance of provincial Acts, 61
 Dominion Election Act, 41
 Dumbarton Oaks conference, 118, 119
 Durham's *Report*, 57, 87

 EDUCATION, 17-20, 61; Department of, 92-3
 Election machinery, 40 *ff.*

 FEDERALISM, 52 *ff.*
 Finance, government; 95-104
 Freedom, 2-3; of assembly, 10; of association, 14; of press, 8-9; of speech, 8-9; of voting, 13-14, 43; of worship, 10-12. Four Freedoms, 16-17
 French-Canadians, 54-5; language, 61, 64

 GEOGRAPHY, and Canadian federalism, 52-4
 Governor-General, 24, 26, 110
 Great Britain, and Canadian federalism, 56, 65; Constitution of, '57

 HABEAS CORPUS, 12-13, 16, 70
 Hansard, 31
 High commissioners, 112
 House of Commons, representation in, 58-60

 IMPERIAL CONFERENCE, 112; 1917, 108; 1926, 108
 Imperialism, 109-10
 Imperial War Cabinet, 108
 Inflation, 101-3
 International Joint Commission, 113

 JUDICIAL COMMITTEE OF PRIVY COUNCIL, 65, 80, 109
 Judiciary, 61, 75
 Jury system, 12, 16, 70, 82

 KING, and Commonwealth, 110; in Parliament, 23, 24, 26, 34-5

 LAW, equality before, 12-13, 69 *ff.*;
 civil, 74, 77; common, 77, 80; criminal, 61, 69 *ff.*; military, 76-7; statute, 77
 League of Nations, 108
 Licensing Act, 9
 Lieutenant-Governor, 24, 26, 60-1
 Loans, government, 97, 99

 MAGNA CARTA, 10, 12, 13
 Moscow Declaration, 117
 Municipal government, 84-93, 96;
 Municipal Act, 87; Municipal Reform Act, 86

 OGDENSBURG AGREEMENT, 113
 Order-in-council, 34

 PARLIAMENTARY GOVERNMENT, 22-38, 58-60
 Parties, political, 27-9, 44-9

- Peace Conference, 1919, 108
 Permanent Joint Board of Defence, 113
 Petition, right of, 10
 Press, freedom of, 8-9
 Prime Minister, 26, 32, 112
 Privy Council, 24, 32 and *n.*, 34
 Public opinion, 49-50

 QUEBEC ACT, 54, 77

 REPRESENTATION, in government, 39
 ff., 50-1, 56, 58-60
 Responsible Government, 34, 56-7
 Revolution of 1688, 10, 35
 Rowell-Sirois Royal Commission, 67, 100
 Rush-Bagot Agreement, 113

 SENATE, representation in, 59-60
 Social Credit government, 61
 Speech, freedom of, 8-9
 Statute of Westminster, 108, 110

 Subsidies, provincial, 99-100
 Supreme Court of Canada, 64, 65, 80

 TAXATION, 94 *ff.*
 Toleration Act, 1689, 12
 Totalitarianism. *See* Dictatorship
 Towns, government of, 90
 Townships, government of, 89-90

 UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION, 115-17
 United States, Canada's relations with, 113-15; Constitution of, 16, 57; government of, 25; influence on Canadian federalism, 56

 VILLAGES, government of, 89-90
 Voting, 13-14, 43-4, 51, 93

 WORLD WAR, I, 107-8, II, 1-2, 115
 Worship, freedom of, 10-12

